

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
SPECIAL SESSION 1969
REGULAR SESSION 1969
IN THREE VOLUMES
VOL. II



ALBERT P. BREWER, Governor
O. J. "JOE" GOODWYN, President Pro-Tem of the Senate
RANKIN FITE, Speaker of the House
HUGH D. MERRILL, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1969 Special Session and the 1969 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mabel Amos
Secretary of State.

Act No. 485

S. 618—Goodwyn, Pierce

AN ACT

To amend Section 8 of Act No. 432, H. 937 approved August 7, 1961 to regulate the Office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census; to authorize the Sheriff to appoint an attorney to advise or represent him; to fix the compensation of said attorney to be paid out of the general fund of the County by the Board of Revenue or like governing body; and providing when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 8 of Act No. 432, H. 937 approved August 7, 1961 to read as follows:

"Section 8. That the Sheriff of such County is authorized to employ an attorney to advise or represent him in his official capacity and that the compensation of the said attorney shall be fixed at the sum of \$2400.00 per annum and shall be paid in monthly installments by the County out of the general fund of the said County."

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:23 A.M.

Act No. 486

S. 623—Skidmore

AN ACT

Relating to counties having a population of not less than 100,000, nor more than 115,000; fixing the compensation of certain officers in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 100,000 nor more than 115,000 according to the most recent federal decennial census, the following officers shall receive compensation as follows:

(a) For the probate judge, a salary of \$15,000 per annum.

(b) For each member of the board of revenue, court of county commissioners or other like governing body, a salary of \$6,600 per annum.

(c) For the sheriff, a salary of \$13,500 per annum.

(d) For the tax collector, tax assessor and circuit clerk, a salary of \$12,000 each, per annum.

(e) For the county judge, a salary of \$15,000 per annum.

The salary of each county officer as provided herein shall be the entire compensation received by any such officer for his services, and shall be in lieu of all fees, percentages, commissions, and allowances now being paid to such officers. The salaries shall be paid in equal monthly installments from the general funds of the county.

Section 2. In all counties having a population of not less than 100,000 nor more than 115,000 according to the most recent federal decennial census, the members of the board of education in such counties shall receive \$15.00 for each meeting attended.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall be effective as to each officer named therein at the expiration of the current term of each such officer.

Approved August 19, 1969.

Time: 9:24 A.M.

Act No. 487

S. 628—Radney

AN ACT

Relating to Tallapoosa County: To regulate further the compensation and expense allowances of members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the court of county commissioners, board of revenue or other like governing body of Tallapoosa County shall receive a salary of \$500 per month and an expense and travel allowance of \$300 per month. Such salary and expense allowance shall be in lieu of all fees and allowances, including mileage, heretofore allowed by law to such commissioners.

Section 2. Nothing in this Act shall be construed to affect the compensation of the judge of probate of Tallapoosa County.

Section 3. The provisions of Section 3 of Act No. 623, H. 1006 of the 1959 Regular Session (Acts, 1959, p. 1527) and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall become effective on the first day of the first month next following the date of its enactment.

Approved August 19, 1969.

Time: 9:25 A.M.

Act No. 488

S. 629—Radney

AN ACT

Relating to the office of the sheriff in Tallapoosa County; further regulating the salaries of deputies of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the chief deputy sheriff in Tallapoosa County shall be not less than \$425 nor more than \$525 per month, and the salaries of one additional deputy in Alexander City and all other deputy sheriffs now authorized by law shall be not less than \$400 nor more than \$500 per month. All such salaries shall be fixed at the discretion of the court of county commissioners, and shall be paid in the same manner and out of the same fund as now provided by law.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 42, H. 237 of the Regular Session of 1965 (Acts 1965, Regular Session, p. 59) and all other laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the first month next following the date of its enactment.

Approved August 19, 1969.

Time: 9:26 A.M.

Act No. 489

S. 635—Torbert

AN ACT

Providing for payment by housing authorities or redevelopment agencies, on appeal from condemnation proceedings instituted in counties with any urban renewal or other redevelopment plan or project of all reasonable costs of the proceedings in the appellate court, including a reasonable attorney's fee, except in certain instances, in all counties of this state with populations of not less than 49,500 nor more than 50,500.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of this state having a population of not less than 49,500 nor more than 50,500, according to the last or any subsequent federal decennial census, any regional, district, county, or municipal housing authority or redevelopment agency which shall have instituted condemnation proceedings in accordance with Code of Alabama 1940, Title 19, in connection with any urban renewal or other redevelopment plan or project undertaken pursuant to Act No. 553, H. 145, Regular

Session 1955 (Acts 1955, p. 1210), shall pay all reasonable costs of the proceedings in the appellate court upon appeal from an order of condemnation or as provided by Code of Alabama 1940, Title 19, Section 20, including reasonable attorney's fees to be assessed by that court; provided however, that said authority or agency shall not be required to pay costs or attorney's fees on appeal by owners or other parties interested in each of the severable tracts of land wherein such orders of condemnation shall be affirmed.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:27 A.M.

Act No. 490

S. 636—Torbert

AN ACT

To apply only in counties of this state having populations of not less than 49,500 nor more than 50,500; providing that in any condemnation proceeding instituted in connection with an urban renewal or other redevelopment plan or project, the commissions appointed pursuant to Code of Alabama 1940, Title 19, Section 11, as amended, shall fix the value of any property sought to be acquired at no less than the value of such property as of the date of the announcement of the plan or project or slum, blight, or deterioration to be removed.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of this state having a population of not less than 49,500 nor more than 50,500, according to the last or any subsequent federal decennial census, in any condemnation proceeding instituted in connection with an urban renewal or other redevelopment plan or project undertaken pursuant to Act No. 553, H. 145, Regular Session 1955 (Acts 1955, p. 1210), the commissions appointed pursuant to Code of Alabama 1940, Title 19, Section 11, as amended, shall fix and determine the value of any property sought to be acquired thereby at no less than the value of such property as of the date of the announcement of said urban renewal plan or project, or declaration of the slum, blight, or deterioration to be removed.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 9:28 A.M.

Act No. 491

H.J.R. 117—Merrill, Bank, Robertson,
Lybrand, Shumate

HOUSE JOINT RESOLUTION

WHEREAS the State of Alabama, the Senate, and the House of Representatives have suffered a grievous loss in the passing of Charles Madison Cooper, Director of the Legislative Reference Service, and

WHEREAS Mr. Cooper has for many years been regarded by judges, attorneys, and members of the legislature as one of the leading constitutional lawyers in the state, and an outstanding authority on legislation and legislative writing, and

WHEREAS Mr. Cooper as Director of the Legislative Reference Service, as Secretary of the Legislative Council and in many other official and unofficial capacities, served the interests of the state and of the people of Alabama for over twenty-five years, and has been awarded national as well as statewide recognition for his services in the field of legislation, and

WHEREAS Mr. Cooper has long been a trusted friend and wise counsellor to the members of this body and has contributed immeasurably to the preparation and passage of legislation which shall long accrue to his personal credit, and to the benefit of the people of Alabama, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That each member of this body feels a personal loss and bereavement at the passing of Charles M. Cooper and we extend our heartfelt sympathy to the members of his family.

RESOLVED FURTHER, that copies of this resolution be sent to Mrs. Charles M. Cooper, and to their son and daughter, Charles M. Cooper, Jr. and Mrs. Richard Humphrey.

Approved August 19, 1969.

Time: 9:30 A.M.

Act No. 492

H. 1294—Beck, Meade

AN ACT

Relating to counties having a population of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; authorizing the governing bodies of such counties to borrow money in anticipation of revenue, not to exceed a total indebtedness of \$100,000.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 41,000 nor more than 45,000 according to the most recent federal decennial census, the governing body of each such county is hereby authorized and empowered to borrow money in anticipation of revenue not otherwise pledged in order to meet expenses for the current fiscal year. All such governing bodies are authorized and empowered to pledge such anticipated revenues for payment of such loan or loans. The total indebtedness of the county shall not exceed \$100,000.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1969.

Time: 6:35 P.M.

Act No. 493

H. 765—Bassett, Mays, Graham, Gloor, Adwell, Cook (Jefferson), Money, Crane, Berryman (R), Crawford, Lemley, Brown, McElhaney, Headley, Springer, Cook (Coffee), Jackson (T), Watkins, House, Dill, Lybrand, Shumate, Cameron, Foshee, Dobbs, Culver, Harper, Brassell, Nettles, Burgess, Meade, Hobbie, Kilgore, Holman, Sessions, Yeilding, Gafford, Slate, Jackson (F), Weeks, Williams, Agee, Stembridge, Owen, Owens (W), Hardin, Wood, Higginbotham, Harris, Brannan

AN ACT

To provide for the repair/or lease of heavy duty off-highway construction equipment including machinery used for grading, drainage, road construction and compaction for exclusive use of county and municipal, highway, street and sanitation departments by the county

boards of revenue or other similar county governing bodies, the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, relative to exemption from competitive bidding in the expenditure of public funds.

Be It Enacted by the Legislature of Alabama:

Section 1. That all expenditure of funds of whatever nature for repair parts, repair, and or lease of heavy duty off-highway construction equipment including machinery used for grading, drainage, road construction and compaction for exclusive use of county and municipal, highway, street and sanitation departments, involving not more than the sum of One Thousand Five Hundred and No/100 Dollars (\$1,500.00), made by or on behalf of any county boards of revenue or other similar county governing body, and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities, including water works boards, sewer boards, gas boards, and other like utility boards and commissions, shall be made, at the option of said governing boards, bodies, instrumentalities, and commissions without regard to the provisions of Act 217, Senate 23, Page 259, Volume 1, Acts of Alabama, 1967, enacted at the 1967 Special Session of the Legislature of Alabama, as amended.

Section 2. That the option provided by this Act may be exercised by said governing boards, bodies, instrumentalities and commissions by specific reference to this Act on any and all purchase orders and purchase commitments executed by said governing boards; bodies, instrumentalities, and commissions.

Section 3. This Act becomes effective on the first day of the second month next following its passage and approval by the Governor, or its otherwise becoming a law.

This act became a law on August 22, 1969 under Section 125 of the Constitution without approval by the Governor.

Act No. 494

H.J.R. 79—Marr

HOUSE JOINT RESOLUTION

WHEREAS James B. Allen, recently elected to the United States Senate from Alabama, has shown himself in the first few months of office to be a diligent and exemplary member of that august body, closely scrutinizing its actions and making every effort to protect the interests of the people of Alabama and the United States; and

WHEREAS Senator Allen has never hesitated to speak out against the efforts of the federal bureaucracy to destroy and dismember the institutions of the states, and has exposed and

chastised judges, cabinet officers and other officials for actions against those institutions, and for misbehavior in office; and

WHEREAS Senator Allen's courageous and skilful efforts in the Senate have caused the people of Alabama and the members of this body to be proud and happy that he was chosen to represent us in Washington; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend an invitation to Senator Allen to address a joint session of the Senate and House of Representatives of the State of Alabama on August 19, 1969, at 1:00 PM. Senator Allen's many friends and supporters in this body and the people of Alabama will extend a cordial welcome to the Senator and the members of his family and staff who can attend this session, and the people of Alabama will welcome his report on the national scene.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senator Allen with an urgent plea that he accept our invitation.

Approved August 21, 1969.

Time: 8:05 P.M.

Act No. 495

H.J.R. 100—Jackson (T)

HOUSE JOINT RESOLUTION

WHEREAS Hudson Powell Lipscomb Jr. of Bessemer, Alabama, one of the state's outstanding members of the legal profession, is celebrating his fiftieth year in the practice of law, and

WHEREAS Colonel Lipscomb, born in Lipscomb, Alabama on March 29, 1892, has served his country ably in two world wars, and contributed greatly to the betterment of his community and to the growth and development of the profession of Law, and

WHEREAS Colonel Lipscomb has for many years been considered by his colleagues as one of the most brilliant practitioners in the state and has initiated and trained his two sons, Powell and Albert to follow in their father's able footsteps, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Colonel Lipscomb on the observance of his fiftieth

year in the profession to which he has nobly and steadfastly devoted his life, and extend to him our heartfelt wish that he continue in the practice of law for many years to come.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Colonel H. P. Lipscomb.

Approved August 21, 1969.

Time 8:06 P.M.

Act No. 496

H.J.R. 101—Cameron, Harris, Springer,
Hobbie, McElhaney

HOUSE JOINT RESOLUTION

WHEREAS Marion Rushton, one of Alabama's most respected and beloved citizens departed this life on May 9, 1969; and

WHEREAS Colonel Rushton was the senior member of the distinguished law firm of Rushton, Stakely, Johnston and Garrett, of Montgomery, and was one of the most brilliant and effective attorneys to ever practice at the bar of this state; and

WHEREAS Colonel Rushton served his country devotedly during two world wars, receiving citations for his service as administrative officer to the Undersecretary of War, and for having organized a judicial review board for desertion cases in World War II; and

WHEREAS Colonel Rushton served for many years as National Democratic Committeeman, resigning in 1948, on a matter of principle, which was highly in character for a man of unquestioned integrity and of devoted loyalty to the interests of the people of his state and nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body deeply mourns the death of Marion Rushton and expresses its sympathy to the family of one of the finest citizens this state has yet produced.

Approved August 21, 1969.

Time: 8:07 P.M.

Act No. 497

H.J.R. 102—Cameron, Harris, Springer,
Hobbie, McElhaney

HOUSE JOINT RESOLUTION

WHEREAS Floyd Hamilton Mooneyham, much respected as an attorney and as a civic and religious leader, passed away on May 2, 1969; and

WHEREAS Floyd H. Mooneyham served in the Alabama State Senate from 1935 to 1939, representing Montgomery County; and

WHEREAS Floyd H. Mooneyham had served as a member of the Board of Directors of the Salvation Army Childrens Home, was a former State President of Alabama Exchange Clubs, a Past Potentate of the Alcazar Temple of the Shrine; and

WHEREAS Floyd H. Mooneyham for many years was a dedicated Layman of the Methodist Church, serving at the time of his death as Chairman of the Board of Trustees and a member of the Board of Stewards of the First Methodist Church of Montgomery; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Floyd H. Mooneyham and extend our deepest sympathy to his widow and to the other members of his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Mrs. Floyd H. Mooneyham.

Approved August 21, 1969.

Time: 8:08 P.M.

Act No. 498 H.J.R. 103—Wood, McCorquodale, Perloff,
Collins (W), Nettles, Lyons,
Marr, Downing, Grayson,
Collins (C), Edington,
Melton, Agee, Garrett, Owen
(Baldwin), Brannan, Mays

HOUSE JOINT RESOLUTION

WHEREAS, Auburn University has recently indicated that the Office of the State Toxicologist, located in Mobile, Alabama, will be removed from that city to Auburn, Alabama by January 1, 1970, and

WHEREAS, said office, under the able leadership of Dr. Nelson Grubbs, has been of invaluable assistance to law enforcement officials in the Mobile and South Alabama areas, and,

WHEREAS, law enforcement officials, the courts, and public has benefited greatly from the present location of the Office of the State Toxicologist in Mobile, Alabama,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the Office of the State Toxicologist, presently located in Mobile, Alabama, remain in that city; and

BE IT FURTHER RESOLVED, That the Secretary of State send a copy of this resolution to the President of Auburn University and to each member of the Board of Trustees of Auburn University.

Approved August 21, 1969.

Time: 8:09 P.M.

Act No. 499 H.J.R. 109—Grayson, Watkins, Headley, Paulk, Foshee, Jackson (F), Harris, Brannan, Owen, Mays, Hardin, Bassett, Collins (W), Bank, Laxson, Owens (WE), Grainger, Jackson (T), Gloor, Holman, Jones, Brown, Money, Hill, Stubbs, Haygood, Williams, Berryman, Starnes, Crawford, Harper, Wood, Perloff, Shumate

HOUSE JOINT RESOLUTION

Whereas, the United States House of Representatives has initiated a realistic approach to public education in America by passing an anti-busing amendment which if passed by the United States Senate and becomes law shall put a stop to our public schools being used by Washington bureaucrats as experimental projects to advance their sociological theories regardless of harm done to our children and the destruction of our schools.

WHEREAS, the Governor of the State of Alabama, The Honorable Albert P. Brewer has expressed hope that Congress will take strong action to see that its mandate is followed by the Department of Health, Education and Welfare, the Justice Department and the courts including "the cutting off of funds to these departments if necessary."

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING THEREIN:

That the United States Senate also pass the "anti-busing amendment" which was recently passed by the United States House of Representatives as quickly as possible and that The

President of the United States is respectfully urged to support said legislation.

BE IT FURTHER RESOLVED, That the Secretary of State be instructed to send copies of this resolution to the President of the United States and to each member of the United States Senate.

Approved August 21, 1969.

Time: 8:10 P.M.

Act No. 500 H.J.R. 110—Ellis, Gloor, Adwell, Jackson (T),
 Money, Gafford, Watkins,
 Sessions, Yeilding, Dill, Cook
 (Jefferson), Meeks, Waggoner,
 Holman, Weeks, Kilgore,
 Bowers

HOUSE JOINT RESOLUTION

WHEREAS, the U. S. Department of Health, Education and Welfare and its enforcement arm, the U. S. Department of Justice, has filed suits against Board's of Education in Jefferson County to further integrate the schools of said county; and,

WHEREAS, the Department of Health, Education and Welfare's proposed plan closed seventeen schools in the third largest school system in Alabama, creating overcrowded conditions and providing no room for future growth; and,

WHEREAS, the Department of Health, Education and Welfare has also proposed drastic changes in the largest school transportation system in the state, causing the Board of Education to buy more buses and hire more drivers and increase operating cost; and,

WHEREAS, the Department of Health, Education and Welfare goes far beyond the intent and purpose of the Civil Rights Act of Congress when it has asked that staff and teacher assignments be the prerogative of the federal courts instead of the board of education, it also has gone further in a sociological field than before, by suggesting a biracial advisory committee to advise and police the board in implementation of its plan; and,

WHEREAS, the Department of Health, Education and Welfare, now seeks to enter the field of curriculum selection suggesting remedial programs in reading and math and increased courses in Negro history, culture, and contributions; thereby, stripping the board of education of its last prestige of authority and further increasing its cost of operation and even suggesting that a com-

plete reorganization of the school system may be necessary which would create complete chaos; and,

WHEREAS, the Legislature of this state has in an extraordinary session for education in this year, recognizing the importance of education for our children and has tried to raise the state from the bottom in aid to education, imposed taxes estimated at \$30 million dollars on the people of Alabama which is a poor state and this was done despite the fact that the Department of Health, Education and Welfare and the Justice Department has closed \$25 million dollars worth of schools in Alabama, some of which were totally new; and,

WHEREAS, the education acts passed by Congress has noted that first federal aid was needed in the so-called "impact areas", such as where military bases are located, to relieve overcrowding of students so their education would not be hindered by lack of buildings and facilities, but now the Department of Health, Education and Welfare, and the Justice Department insist that integration is more important than education and has asked the courts to close schools in Jefferson County costing millions of dollars and requiring the expenditure of more than \$13 million dollars in two years to implement their plan of forced integration.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That be it resolved by the Alabama Legislature in regular session, thereby calling on the President of the United States and the Congress for financial relief from this burden imposed on this county and state against our will; and, Be it further resolved that the Federal Government pay the entire cost of renovation, construction, and reorganization necessary to implement this court ordered forced integration of our schools; and, Be it finally resolved, that copies of this resolution be sent to members of Congress and the President of the United States.

Approved August 21, 1969.

Time: 8:11 P.M.

Act No. 501

H.J.R. 111—Melton, Manley, Wood

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the multi-purpose building at Patrick Henry State Junior College be named and known as Roland Cooper Hall, as a fitting tribute to the Honorable Roland Cooper, who has served the cause of

education with dedication and inspirational leadership as a State Senator, and who has displayed untiring efforts in behalf of Patrick Henry State Junior College and the surrounding community.

Approved August 21, 1969.

Time: 8:12 P.M.

Act No. 502 H.J.R. 114—Higginbotham, Turnham, Brassell,
Neville, Edington, Lyons,
Collins (C), Downing

HOUSE JOINT RESOLUTION

WHEREAS Honorable Joe Alex Killian, a native of this state and a graduate of Auburn University, died recently in Baltimore, Maryland, at the age of forty-six; and

WHEREAS Mr. Killian served the Alabama State Docks Department for twelve years in the field of advertising and public relations and gave to his native state the benefit of many years experience in the field of foreign trade and international relations; and

WHEREAS the citizens of this state bemoan the untimely death of one of our native sons, a former state employee of great ability and wish that a fitting memorial be established in his memory; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Exhibit Room on the first floor of the International Trade Center at the Alabama State Docks in Mobile be named and designated the Joe A. Killian Room.

BE IT FURTHER RESOLVED, That the Director of the Alabama State Docks Department be and he hereby is directed to purchase from the funds of the State Docks Department a suitable bronze marker so designating said room as the "Joe A. Killian Room."

Approved August 21, 1969.

Time: 8:13 P.M.

Act No. 503

H. 45—Hain, Steagall, Blanton

AN ACT

To amend and re-enact Section 619(10) of Title 51 of the Code of Alabama dealing with recordation and taxation of deeds, mortgages, and instruments of like character.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 619(10) of Title 51 of the Code of Alabama is hereby amended so as to read as follows:

No tax levied upon the recordation of mortgages, deeds of trust, and instruments of like character shall be levied upon, or collected from, any corporation or association engaged exclusively in making farm or crop loans, with respect to any instrument executed to secure a loan made by it to one of its stockholders or members for general agricultural purposes, the provisions of any other law to the contrary notwithstanding. The exemption provided herein shall apply to all deeds, mortgages, and instruments of like character executed to those corporations and associations created and chartered under the provisions of that Act of Congress known as the Federal Farm Loan Act, as amended by the Farm Credit Act of 1933.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. The provisions of this act are severable. If any part hereof is declared invalid or unconstitutional, it shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:14 P.M.

Act No. 504

H. 243—Drake

AN ACT

To amend further Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the reorganization of the government of Cullman County, so as to provide further for the office of the resident county engineer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 13, H. 5, First Special Session 1955 (Acts 1955, p. 37), an act relating to the reorganization of the government of Cullman County, as amended, is further amended to read as follows:

“Section 7. All persons employed by the State Highway Department in the administration of this Act shall be employed

subject to the State Merit System Act. The resident engineer in charge of county roads shall be paid an expense allowance of \$100 per month in addition to his salary. Such allowance shall be paid out of the county's gasoline tax funds before the same are turned over to the State Highway Department. At least one person may be employed in Cullman County by the department in the Merit System Classification of Highway Superintendent II. Any resident of Cullman County who is on the register of eligibles established by the personnel director for the position of Highway Superintendent II shall be given preference over every other person whose name is on the register.

"The Cullman County Commission may provide and maintain necessary office space, including furniture, equipment, supplies, telephone service and such office personnel as may be necessary for a county highway engineer's office in the county courthouse, the cost therefor shall be paid from county funds other than county or state funds allocated to the Alabama Highway Department for Cullman County roads and bridges. All personnel employed as provided herein shall be subject to supervision and control of the Alabama Highway Department."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1968.

Time: 8:15 P.M.

Act No. 505

H. 396—Fite

AN ACT

Relating to the compensation of the State Superintendent of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 52, Section 41, is further amended to read as follows: "The salary of the State Superintendent of Education shall be twenty-three thousand five hundred dollars (\$23,500) per annum to be paid in installments from the annual appropriation of the State Department of Education."

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall take effect at the expiration of the term of office of the incumbent Superintendent of Education.

Approved August 21, 1969.

Time: 8:16 P.M.

Act No. 506

H. 400—Collins (W), McCorquodale, Cook
(Jefferson), Marr, Cameron,
Hobbie, Nettles, Edington, Lyons,
Downing, Collins (C)

AN ACT

To amend Act No. 497, H. 616, Regular Session 1959 (Acts of 1959, Page 1231) which creates the position of Chief Engineer in the State Highway Department and provides for his appointment, qualifications, duties, responsibilities and salary; so as to provide further for his appointment, compensation, qualifications and duties.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend Act No. 497, H. 616, Regular Session 1959 (Acts of 1959, Page 1231) which creates the position of Chief Engineer in the State Highway Department and provides for his appointment, qualifications, duties, responsibilities and salary:

"Section 1. There is hereby created within the State Highway Department the position of Chief Engineer which shall be filled by appointment by the Highway Director with the approval of the Governor. Such appointment shall also be subject to approval by the State Board of Registration for Engineers and Land Surveyors. The salary of the Chief Engineer shall be as determined by the Governor and he shall be allowed reasonable traveling expenses, when traveling on business of the State, all to be paid from funds of the State Highway Department as salaries and expenses of other State Highway Department employees are paid. The Chief Engineer shall give bond for the faithful performance of his duties in an amount to be approved by the Governor as provided in Title 41, Section 115, Code of Alabama, as amended.

The Chief Engineer shall serve under the direction of the Highway Director and otherwise be entitled to all the privileges and responsibilities as other Merit System employees and his service and removal shall be subject to the State Merit System regulations.

Section 2. The Chief Engineer shall be a Registered Professional Engineer in the State of Alabama with a minimum of fifteen (15) years progressive professional engineering experience pertaining to the planning, development, construction, maintenance and repair of highways and bridges; he shall hold a degree in civil engineering from an engineering school of

recognized standing. The Chief Engineer shall have a detail knowledge of engineering principles and their application pertaining to highways and bridges. He shall maintain citizenship in the State of Alabama and shall continuously be a Registered Engineer in the State of Alabama as a condition while serving in this office.

Section 3. The duties of the Chief Engineer in the State Highway Department shall include the administration of technical phases of the organization, and direction and coordination of the engineering activities of the Highway Department. The Chief Engineer shall affix his signature to the title sheets of all plans let to contract by the State Highway Department. The duties of the Chief Engineer shall be subject to and under the control and supervision of the Highway Director."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:17 P.M.

Act No. 507 H. 475—Gafford, Holman, Watkins, Weeks,
Bowers, Jackson (T), Kilgore,
Waggoner, House, Ellis, Crane,
Adwell, Dill

AN ACT

TO AMEND SECTION 3.01, 3.02, 3.09 and 4.02 OF ACT NO. 452, H. 974, REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1955, APPROVED SEPTEMBER 9, 1955 (ACTS OF 1955, PAGE 1004), AS AMENDED, PROVIDING A MAYOR-COUNCIL FORM OF GOVERNMENT FOR CITIES HAVING A POPULATION OF THREE HUNDRED THOUSAND INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3.01 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004) as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more, according to the last or any subsequent federal census, be and said Section 3.01 is hereby amended to read as follows:

"3.01. Number election, term.—The Council shall have nine members elected from the city at large to numbered places thereon, in the manner hereinafter provided, five of whom shall be elected at an election held each two years. The places on said

council shall be numbered 1 to 9, both inclusive. The regular election at large for the choice of such five members of the council shall be held on the second Tuesday in October of the year during which the term of the five members of the first council elected under the provisions of Section 1.07 hereof for the term most closely approximating two years shall expire, and every two years thereafter. The term of office for each numbered place on the council shall be four (4) years, except as hereinafter provided. At the first regular election of members of the council under this Act held subsequent to January 1, 1970, and every regular election held each two years thereafter, the candidate or candidates, if any, receiving a majority of the votes cast for such numbered place shall be elected to the Council for a four year term except as hereinafter provided. In the event that there is a place on the Council for which no candidate received a majority of the votes cast for such place, then and in that event a run-off election shall be held on the third Tuesday thereafter to be called and held in the same mode and manner and under the same rules and regulations provided in Section 1.07 hereof with respect to the election of the first council, except as otherwise provided by this Section 3.01. In the second or run-off election there shall be two candidates for each numbered place upon the Council for which a candidate was not elected at the first election, and these candidates shall be the ones who received in the first election the highest number of votes for the place for which they were a candidate but were not elected at the first election. The candidate for each numbered place on the Council to be filled at said second or run-off election receiving the highest number of votes cast for the place for which he is a candidate in said election shall be elected. The candidate being elected for the numbered place at said second or run-off election receiving the lowest number of votes of the candidates being elected in said election shall be elected to the Council for a two year term, or in the event that such candidate is elected for the only numbered place being filled at said second or run-off election, then in such event such candidate shall be elected to the Council for a two year term. The other or remaining candidates being elected at said second or run-off election shall be elected to the Council for a four year term. Provided, however, in the event candidates for all numbered places in the regular election receive a majority of the votes cast for all numbered places being filled at such election and there is no necessity for a second or run-off election, then the candidate elected to the council for the numbered place receiving the lowest number of votes of the candidates being elected at such regular election shall be elected to the Council for a two year term. The Council so elected shall take office on the second Tuesday in November following their election. Elections shall, as other-

wise herein provided, be governed by the general provisions of law relating to municipal elections of such city."

Section 2. That Section 3.02 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, be and said Section 3.02 is hereby amended to read as follows:

"3.02 Statement of candidacy.—Any person desiring to become a candidate in any election for the office of councilman may become such candidate by filing in the office of the Judge of Probate of the county in which such city is situated, a statement in writing of such candidacy and an affidavit taken and certified by such judge of probate or by a notary Public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least 21 days before the day set for such election and shall be in substantially the following form: State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of _____ in said State and County, and reside at _____ in said City of _____, that I am a member of the _____ party (or if not a member of a political party then, I am an independent candidate), that I desire to become a candidate for the office of Councilman, place number _____, in said City at the election for said office to be held on the _____ day of October next and that I am duly qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. Signed _____; Subscribed and sworn to before me by said _____ on this _____ day of _____, 19____, and filed in this office for record on said day. _____, Judge of Probate. Said statement shall be accompanied by a qualifying fee in the amount of \$50.00, which fee shall be paid over by the judge of probate to the general fund of the city. At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For members of the council.' No name shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except

that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election. No primary election shall be held for the nomination of candidates for the office of councilman and candidates shall be nominated only as hereinabove provided."

Section 3. That Section 3.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more, according to the last or any subsequent federal census, be and said Section 3.09 is hereby amended to read as follows:

"3.09. Vacancies in Council.—Whenever any vacancy in the office of councilman shall occur by reason of death, resignation, removal, or any other cause, the Council may, at the next regular or any subsequent meeting of the Council, fill the vacancy; provided such appointment is made within thirty days of the occurrence of such vacancy. The Council, at their discretion, may call upon the election commission of the City, if there be one, and if not, upon the mayor thereof, to call a special election to fill such vacancy, such election to be called not less than thirty and not more than forty-five days from the occurrence of such vacancy; provided, however, if the vacancy occurs within six months prior to the expiration of the term of the numbered place to be filled, then the council may only fill such vacancy by appointment. Notice of election hereunder shall be given at the expense of the city by one publication of at least eighteen days in advance of the same in one or more newspapers published in such city. The method, procedure, and requirements of qualifying, voting upon, and determining the successful candidate shall be the same as is provided herein relative to the election of councilman at regular elections, except that statements of candidacy must be filed at least fifteen days before the date set for such election. The successor to the councilman appointed or chosen at any such election shall qualify for office as soon as practicable thereafter, and shall be clothed with and assume the duties, responsibilities and powers of such office immediately upon such qualification. Such successor, if appointed as hereinabove provided, shall hold office only until the next election of any kind in which the voters of the City to which this Act applies are qualified electors, at which time said unexpired term shall be filled by said electors in accordance with all provisions of law applicable to such city. Provided further, the successor to such vacancy if elected by the electorate of the city, as hereinabove provided, shall hold office for the unexpired term of his predecessor.

Section 4. That Section 4.02 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, page 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more, according to the last or any subsequent federal census, be and said Section 4.02 is hereby amended to read as follows:

"4.02 Statement of candidacy. Any person desiring to become a candidate at any election for the office of mayor may become such candidate by filing in the office of the Judge of Probate of the county in which such city is situated, a statement in writing of such candidacy, accompanied by an affidavit taken and certified by such judge of probate or by a notary public that such person is duly qualified to hold the office for which he desires to be a candidate. Such statement shall be filed at least 21 days before the day set for such election and shall be in substantially the following form: 'State of Alabama, County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the City of, in said State and County, and reside at in said City of, that I am a member of the party (or if not a member of a political party then, I am an independent candidate), that I desire to become a candidate for the office of mayor in said city at the election of said office to be held on the day of October, next and that I am duly qualified to hold said office if elected thereto, and I hereby request that my name be printed upon the official ballot at said election. Signed; Subscribed and sworn to before me by said, on this day of, 19...., and filed in this office for record on said day., Judge of Probate.' Said statement shall be accompanied by a qualifying fee in an amount equal to \$300.00 which qualifying fee shall be paid over by the judge of probate to the general fund of the city. At every such election all ballots to be used by voters shall be printed and prepared by the election commission or other body or official charged by law with the duty of conducting elections and at the expense of said city, and shall contain the names of all candidates directly underneath the words 'For Mayor'. No names shall appear upon said ballot as a candidate for election except the names of such persons as have become candidates according to provisions as above set forth; no ballot shall be used at any such election except the official ballot prepared by the election commission or other body or official charged by law with the duty of conducting elections, except that the names of candidates may be suitably placed on voting machines if such machines are used to conduct such election.

No primary election shall be held for the nomination of candidates for the office of mayor and candidates shall be nominated only as hereinabove provided."

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective on January 1, 1970, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:18 P.M.

Act No. 508 H. 677—Adwell, Cook (Jefferson), Weeks,
Holman, Sessions, Meeks, House,
Gloor, Waggoner, Kilgore, Money,
Watkins, Gafford

AN ACT

To amend Act No. 529 of the 1949 Regular Session of the Legislature of Alabama approved September 2, 1949, (Acts of Alabama, 1949, pages 827 et seq.) entitled as heretofore amended, "An Act to apply in all counties of this state having a population of not less than 150,000 according to the last or any subsequent federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this state; to create a board to be known as the plumbers examining board; to define plumbing, master plumbers, journeymen plumbers, plumber apprentices and subjects related to plumbing; to provide for the appointment of members of said plumbers examining board and their terms of office; to provide for the payment of compensation to the members of said board and its employees; to define the powers conferred upon and the duties imposed upon said board; to provide funds for the maintenance, operations and functions of said board; to provide for the examination and certification of master plumbers, journeymen plumbers and plumbers apprentices; to provide for the payment of examination fees and certificate fees; to empower the board to revoke certificates; to provide for appeals from the ruling of the board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said board, and to provide for penalties for the violation of this Act"; so as to provide that municipalities having populations of not less than 130,000 nor more than 200,000 and municipalities having populations of 300,000 or more according to the last or any subsequent federal census may require additional examination, certification and regulation of plumbers doing plumbing work within the corporate limits of such cities.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 529 of the 1949 Regular Session of the Legislature of Alabama, approved September 2, 1949 (Acts of Alabama, 1949, pages 827 et seq.) as

amended be and said Section 1 is hereby amended to read as follows:

"Section 1. Definitions and Scope. This Act shall apply only in counties of this State having a population of not less than 150,000 according to the last or any subsequent federal census. "Plumbing" as used in this Act, is the installation, repair, or replacement of pipes, fixtures or other apparatus necessary either for supplying water or for removing liquid or water borne waste. The term is also used to denote installed fixtures, drainage, vents and water distribution systems inside buildings and structures. A "master plumber" within the meaning and for the purpose of this Act shall be held to mean and to include any person, firm or corporation engaged in or proposing to engage in, the business of doing, or contracting to do, or superintending the installation of, plumbing, either or both. If such applicant for registration, be an individual, he must either qualify himself to be a licensed master plumber or must continually keep in his employ a duly registered and licensed master plumber, who shall be in continuous and responsible charge of the installation, alteration, repair and renovation of plumbing work for said individual. If such applicant for registration be a firm or unincorporated association, at least one (1) active member of such firm or unincorporated association must either qualify himself to be a licensed master plumber or the firm or unincorporated association must continually keep in its active employ a duly registered and licensed master plumber, who shall be in continuous and responsible charge of the installation, alteration, repair and renovation of the plumbing work for said firm or unincorporated association. If such applicant for registration be a corporation, at least one (1) active officer or stockholder of said corporation must either qualify himself to be a licensed master plumber or the corporation must keep in its active employ a duly registered and licensed master plumber who shall be in continuous and responsible charge of the installation, alteration, repair and renovation of plumbing work for said corporation.

"A 'journeyman plumber' within the meaning of this Act is any person other than a master plumber or plumber apprentice, as said terms are herein defined, who engages in or works at the actual installation, alteration, repair and renovation of plumbing and who has successfully passed and fulfilled the examination and requirements of the Board.

"A 'plumber apprentice' within the meaning of this Act is a person who is over the age of sixteen (16) years and who is engaged in learning the plumbing trade by working with and assisting a plumber in the layout, installation, maintenance and repair of plumbing and who has been examined and certified by the Board as hereinafter provided.

"This Act is not intended to and it should not be construed as a preemption by the Legislature of the subject matter set out herein within the corporate limits of any city of the state having a population of not less than 130,000 nor more than 200,000 inhabitants or within the corporate limits of any city of the state having a population of 300,000 inhabitants or more according to the last or any subsequent federal census. To the contrary, any such municipality in any county in which this Act applies shall have the power and authority to provide by Ordinance for an additional examination and certification of master plumbers, journeymen plumbers, plumber apprentices or any person, firm or corporation performing plumbing work, as defined in such Ordinance, in such municipality, and such municipality shall have the power and authority to adopt Ordinances relating to and regulating the performing of plumbing work in such municipality, provided that no such municipality shall certify to the competency of any plumber under any such Ordinance who has not also qualified under this Act. Any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under this Act shall not be authorized to perform any such plumbing work in any such municipality which requires by Ordinance the examination or certification by such municipality or an agency, board or officer thereof of persons doing plumbing work therein unless such person has also qualified as required by such Ordinance."

Section 2. All laws or parts of laws which conflict with this Act are repealed to the extent of such conflict.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:19 P.M.

Act No. 509

H. 699—Stembridge, Crawford

AN ACT

To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the Law and Equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Houston County a court with limited jurisdiction of criminal cases and civil actions at law and in equity, which court shall make final records in all cases except cases cognizable before justices of the peace. The Court shall be known as the Houston County Court and it shall replace the Law and Equity Court of Houston County established by Act No. 210, H. 479, Regular Session 1965, which court is hereby abolished.

Section 2. All cases and actions pending in the Law and Equity Court of Houston County on the effective date of this Act shall be transferred in the court hereby created and shall proceed as though begun therein. As to judgments rendered by the abolished court (and judgments it had the power to control), the Houston County Court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 3. (a) Except as provided in subsection (b), of this subsection, the Houston County Court shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases, including actions of unlawful detainer, actions for the recovery of possession of land, cases of desertion and non-support instituted by virtue of Article 3, Chapter 4, Title 34, Code of Alabama (1940), and cases involving juveniles arising under the provision of Chapter 7, Title 13, Code of Alabama (1940), which are cognizable before the circuit court, or a county court, or the juvenile court, or justices of the peace, or courts created in lieu thereof, and all courts of like jurisdictions. In exercising jurisdiction in juvenile court cases the provisions of Chapter 7, Title 13, Code of Alabama 1940, and amendments shall apply. It shall have authority to exercise general superintendence of justice courts, and to punish contempts by fine not exceeding fifty dollars (\$50) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts of record.

(b) The Court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds two thousand dollars (\$2000.00), not take cognizance of any matter or proceeding in equity, except suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

Section 4. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 5. (a) The Houston County Court shall have four divisions, namely, law, equity, criminal and juvenile. Except as otherwise provided in this Act, the practice and procedure of the court as to parties, trial, competence of witnesses, admissibility of evidence, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice and procedure governing the circuit courts. Interrogatories to adverse parties, as provided for by Article 8, Chapter 10, Title 7, Code of Alabama (1940), may be used, except that answers must be filed to such interrogatories within thirty (30) days after service of the interrogatories. If answers to the interrogatories are not filed within thirty days after service of a copy of the interrogatories, or when the answers are not full, or are evasive, the court may either attach the party and cause him to answer fully in open court, or tax him with so much costs as may be just, and continue the cause until full answers are made, or direct a non-suit or judgment by default, to be entered, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within twenty days. In suits in equity the defendant shall have thirty days after the perfection of service on him in which to plead, answer or demur. If a defendant fails to plead, answer or demur within the prescribed time after service has been perfected on him, he shall be in default and on motion of the plaintiff judgment by default may be rendered against such defendant.

Section 6. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge or the Clerk of the court, or the deputy clerks of the court, or the District Attorney or a County Solicitor (Assistant District Attorneys for Houston County), who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) A county or assistant District Attorney (for Houston County) shall prosecute for the State all criminal cases commenced in such court. The assistant District Attorneys shall be paid a salary, the amount to be determined by the District Attorney, which salary shall not exceed \$200.00 for each month for the aggregate of all assistant District Attorneys. This sum shall be in addition to all sums now being paid assistant District Attorneys.

Section 7. (a) The Houston County Court shall be open at all times for the transaction of business. Sessions of the court shall be held at the county courthouse at such times as the judge shall designate by orders spread upon the minutes of the court. At least one civil session and one criminal session shall be held each month. Sessions may be continued so long as may be necessary for the court to complete its business.

(b) The Sheriff shall, without additional compensation, attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the circuit court.

(c) The judge shall appoint a bailiff when he deems one necessary and the bailiff shall be compensated at the same rate as a Circuit Court bailiff.

(d) The judge shall have the same power and right to appoint an attorney to represent indigent defendants as judges of circuit courts.

Section 8. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts.

(b) In addition to the fees for witnesses, the court shall have authority to tax costs for the use of the county as follows: (1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100), the same as in justice courts; (2) in every other civil action at law, the same as in the circuit court; (3) in each equity case, the same as in the circuit court; (4) in each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in the justice courts; (5) in every other criminal case, the same as in county courts. The court shall tax other costs as prescribed by law (both general and local acts).

(c) A trial tax of one dollar (\$1.00) shall be collected for the use of the county in each civil action at law, if the sum in

controversy does not exceed one hundred dollars (\$100). In every other civil action at law, in every suit in equity, and in every criminal case except criminal cases involving offenses of which justices of the peace have final jurisdiction, a trial tax of three dollars (\$3.00) shall be collected for the use of the county.

(d) No costs shall be taxed in juvenile cases.

(e) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Houston County, Alabama, one-half (50%) of all other fines and forfeitures collected in this court are to be paid into the general fund of Houston County, Alabama.

Section 9. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11, Title 7, Code of Alabama (1940), except that if the judgment of the court is for fifty dollars (\$50) or less the party in whose favor the judgment is rendered shall have a period of only three years in which to have a writ of fieri facias or execution levied against the property of the defendant, and the lien of such judgment registered under the provisions hereof shall continue for a period of three years from the date of such judgment in the manner set out in Section 588 of said Title 7; and if the judgment is for more than fifty dollars (\$50), the lien of such judgment when registered under the provisions hereof shall continue for a period of ten years from the date of such judgment in the manner set out in Section 585 of said Title 7.

The discovery of assets of judgment debtors as provided by Article 2, Chapter 21, Title 7, Code of Alabama (1940) may be had in this court as in circuit courts.

Section 10. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided.

(1) If the case is a civil case in the law division of the court, the appeal lies to the circuit court and shall be governed by Article 6 of Chapter 8, Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Article 1 of Chapter 3, Title 13 of the 1940 Code.

(2) If the case is in equity, the appeal lies directly to the Supreme Court of Alabama and shall be governed by the provisions of Chapter 16, Title 7 of the 1940 Code.

(3) If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by Sections 371 and 372 of Title 13 of the 1940 Code.

(4) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Section 90 of Title 13 of the 1940 Code.

Section 11. (a) A Judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1970, and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) Immediately after the effective date of this Act, the Governor shall commission Hon. Don P. Bennett as Judge of the Houston County Court and the said Don P. Bennett shall hold office until his successor is elected or appointed as provided herein.

(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judgment unless he is, at the time of his appointment or election, a qualified elector of Houston County, learned in the law, and has been licensed to practice law in this State for five years. The judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

(d) The judge shall receive an annual salary equal to an amount of \$500.00 less than the base annual salary of circuit judges (as set by statute) payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid.

(e) The judge shall have authority to: (1) grant writs of certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and ne exeat; (3) administer oaths and take acknowledgments; (4) issue search warrants; (5) exercise such other powers, jurisdiction, or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

(f) The judge shall keep an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitable equipped, furnished and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

(g) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code. Such special judge shall be paid out of the general funds of the county the sum of fifty dollars (\$50.00) for each day he is called upon to serve during a regular session held pursuant to orders of the court duly spread upon the minutes of the court.

Section 12. (a) The circuit clerk of Houston County and the register of the circuit court shall be the clerk and register, respectively, of the court herein established; and the clerk may appoint a chief deputy clerk which shall be in addition to the chief deputy clerk of the circuit court (and not the same person) who shall have all the power and authority that is herein given to the clerk. The judge shall appoint a clerk of the juvenile division who shall also act as a secretary to the judge. In addition to all bonds required of them, the clerk shall make bond in the sum of \$10,000.00; the register \$2,000.00, and the clerk of the juvenile division \$2,000.00. The clerk of the juvenile division shall be paid a monthly salary of not less than \$300.00 per month nor more than \$500.00 and shall start at \$300.00 per month and may be raised by the judge of the court as he deems it expedient. In addition to their regular compensation, the clerk and register each shall receive for such services the sum of \$2400.00 annually, which sum shall be payable in equal monthly installments. All salaries referred to in this Section 12 (a) shall be paid from the general fund of the county. Each shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. Each shall keep a seal, which shall be the official seal adopted by the court.

(b) It shall be the duty of the clerk, register and clerk of the juvenile division, respectively, to keep all the records, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk, register, and clerk of the juvenile division, respectively, shall have power and authority: (1) to administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, com-

mitments, and releases; (3) to approve bonds in civil and criminal cases; (4) to enter all judgments, orders, and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks and registers of the circuit courts.

(d) The judge shall secure the services of a competent reporter to attend the sessions of the court and report all cases tried when request therefor is made by any party to a suit. He shall serve at the will and pleasure of the judge. The reporter shall receive an amount equal to the amount paid reporters in Circuit Courts for each day that he is called upon to serve, to be paid out of the general fund of the county, and in addition, he shall receive for his own use from the parties to suits, when they request such, for making a transcript of evidence taken by such reporter the same amount that he would be entitled to as a reporter in circuit court. He shall be required to keep his notes and records for public use and inspection. In all cases reported by the reporter there shall be taxed as part of the costs of the case a fee equal to a circuit court reporter's fee for each day or fraction thereof that such reporter shall be engaged in reporting the case, to be collected as costs as in other cases, and when collected paid into the county treasury of Houston County, Alabama.

Section 13. Act No. 210, H. 479, Regular Session of 1965 (Acts of Alabama 1965, Vol. 1, p. 289) and all acts amendatory thereof, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This Act shall take effect on the first of the month next following the date of its enactment.

Approved August 21, 1969.

Time: 8:20 P.M.

Act No. 510 H. 776—Cook (Coffee), Foshee, McCorquodale,
Agee

AN ACT

To amend further Section 1 of Act No. 518, H. 283, approved September 16, 1963 (Acts of Alabama, p. 1106), to fix the compensation of court reporters, and provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

That Section 1 of Act No. 518, approved September 16, 1963 (Acts of Alabama, p. 1106) to fix compensation of court reporters, and providing for the payment thereof, is amended further to read as follows:

"Section 1. The official court reporters appointed and holding office under the provisions of law shall receive a salary of Seven Thousand Dollars per annum (\$7,000.00), twenty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuits, each county to pay its pro rata part thereof, upon the assessed tax valuation of all property in such county for the preceding year, such payments to be made on certificate issued by the judge of the court in favor of such official reporter for the respective amounts due by the several counties each month, the same to be paid by the treasurer of each county out of the general fund on presentation in the same manner as jurors certificates are now paid, and the remaining Forty-eight Hundred Dollars per annum (\$4800.00) shall be paid in equal installments on the warrant of the state comptroller from the general fund in the state treasury."

Section 2. It is expressly provided that this act shall not repeal or amend any local law, special law, general law, or general law of local application providing extra allowances, compensation or expenses of any court reporter paid from the funds of any county or counties; it being the purpose of this act to increase the compensation paid by the state from \$3800 per annum to \$4800 per annum and that this increase shall be in addition to the amount provided for in Section 1, to be paid by the counties and in addition to any further amounts paid by the individual counties.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:22 P.M.

Act No. 511

H. 810—Marr, Wood, Downing, Collins (W),
Owen (Baldwin), Brannan,
Collins (C), Edington, Nettles,
Grayson, Perloff

AN ACT

To create a mosquito abatement district in any two contiguous counties of this state having a combined population of not less than 360,000 nor more than 600,000, according to the most recent federal decennial census, for the purpose of controlling and abating mosquitoes

and other vectors; to provide a mosquito control board for administrative purposes and to prescribe its authority; to provide for the appointment, number and terms of its members; to authorize the governing bodies of any county, city or town within the district to appropriate public funds for the purposes of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of controlling and abating the growth of mosquitoes and other vectors and to promote public health, there shall be a mosquito abatement district composed of any two contiguous counties in the state having a combined population of not less than 360,000 nor more than 600,000, according to the most recent federal decennial census.

Section 2. For the purpose of administering this act, there is hereby created a mosquito control board which shall be composed of seven members. Three members shall be appointed by each of the respective county governing bodies of the counties composing the district, and each of the members so appointed shall be a resident and qualified elector of the county he represents. Such members shall maintain such residency throughout their terms of office. The seventh member who shall be ex officio chairman of the board shall be the county health officer of the most populous county of the district. Vacancies on the board shall be filled in the same manner as original appointments are made.

Section 3. Members of the board shall take office on September 1, next following their appointment, and each appointed member shall serve for a term of two years and until his successor is appointed and qualified. No member shall receive any compensation for serving on the board; provided, however, that the board may reimburse members for actual expenses incurred in the performance of duties necessary to the business of the board, if funds are available for such purposes.

Section 4. The mosquito control board shall appoint an administrator who shall administer the district mosquito abatement program and he shall perform such duties as the board may require of him. The administrator shall be secretary of the board, and shall serve at the pleasure of the board. The administrator shall receive such compensation and expense allowance as the board may prescribe by resolution duly adopted by a majority of the members and recorded in its minutes, provided funds are available for such purpose.

Section 5. Meetings of the mosquito control board shall be held at such times and place as determined and designated by the members thereof, and notice of each meeting shall be given by the secretary to each member of the board. A majority of the members shall constitute a quorum for the transaction of

business. The secretary shall keep a written record of the minutes of each meeting and of any other business conducted by the board, which record shall be open to public inspection at all reasonable times.

Section 6. The mosquito control board shall have authority to take all such measures necessary and proper for the control, eradication and prevention of the growth or spread of all species of mosquitoes and of all other vectors deleterious to public health or in the nature of a public nuisance. Such authority shall include but not be limited to the following activities in order to carry out the purposes of this act:

- (a) to organize, develop and direct plans for projects, and to seek public support therefor;
- (b) to estimate the cost and provide for the financing of projects;
- (c) To acquire by purchase, gift, grant, bequest, devise or through condemnation proceedings exercised by the county or municipal governing body of the respective counties and cities of the district against such lands or rights-of-way as may be necessary; provided, however, acquisition through condemnation proceedings is not authorized against lands or rights-of-way otherwise devoted to public use.
- (d) to hold, lease and convey real estate or personal property;
- (e) to accept grants-in-aid or other funds from the federal government, or from this state or any other state or of any political subdivision or agency thereof;
- (f) to borrow money in anticipation of revenue receipts in order to meet current expenses of the program, with such amounts not to exceed anticipated revenues for the next succeeding twelve months;
- (g) to contract with individuals, firms, corporations, and federal, state and local agencies;
- (h) to correlate or merge any project within the contemplation of this act with that of any other similar program in the area of the district in order to avoid duplication of effort or unnecessary costs;
- (i) to employ necessary personnel to facilitate the provisions of this act;
- (j) to make such rules and regulations as may be necessary to implement the provisions of this act.

Section 7. The county governing body and the governing body of any city or town in the district is hereby authorized to appropriate public funds, not otherwise appropriated, for the use of the board created herein, in carrying out the purposes of this act.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall not repeal or supersede any state or county public health rule or regulation, but shall be cumulative thereto.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:25 P.M.

Act No. 512

H. 860—Meade, Beck

AN ACT

Relating to all counties having populations of not less than 16,150 nor more than 17,250 according to the most recent federal decennial census; relieving the board of registrars of such counties from the duty of visiting precincts or voting places in the performance of their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of registrars of all counties in this State having populations of not less than 16,150 nor more than 17,250 according to the most recent federal decennial census are relieved of the duty of visiting the precincts and voting places in the performance of their official duties as provided in Code of Alabama 1940, Title 17, Section 26 as amended; and in lieu thereof shall meet at the courthouse and receive applications for registration from persons residing anywhere in the county for the same number of days as provided by law for visiting the precincts for the purpose of registering voters.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:26 P.M.

Act No. 513

H. 1021—Drake

AN ACT

To alter, or rearrange the boundary lines of the City of Cullman, in Cullman County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundaries of the Municipality of Cullman, in Cullman County, Alabama, are hereby altered, rearranged, and extended to include within the corporate limits of the City of Cullman, Alabama, in addition to the territory now embraced therein, the following described territory situated in Cullman County, Alabama, to-wit:

Beginning at the Northwest corner of the Northeast Quarter of Section 5, Ts. 10 S, Range 3 West; thence South 800 feet; thence East 600 feet to a point on existing Cullman Corporate limits; thence Northwest along the existing Cullman Corporate limits approximately 600 feet; thence Northeast along the existing corporate limits approximately 600 feet to a point on the present Cullman Corporate limits, being on North boundary of State Highway right-of-way; thence West along the State Highway right-of-way to point of intersection with the West boundary of the Southeast Quarter of Section 32, Ts. 9 S, Range 3 West; thence South along the West boundary of the said quarter section a distance of 90 feet, more or less, to the Southwest corner of said quarter section, being also the point of beginning of the land herein described; and The North Half of the Northwest Quarter of Section 5, Ts. 10 S, Range 3 West; and The South half of the Southwest Quarter of Section 32, Ts. 9 S, Range 3 West; and Two hundred feet of even width off of and across the East side of the Southeast Quarter of the Southeast Quarter of Section 31, Ts. 9 S, Range 3 West; and Two hundred feet of even width off of and across the East side of the Northeast Quarter of the Northeast Quarter of Section 6, Ts. 10 S, Range 3 West.

All being in Cullman County, Alabama.

SECTION 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This act became a law on August 22, 1969, under Section 125 of the Constitution without approval by the Governor.

Act No. 514

H. 1022—Drake

AN ACT

To alter, or rearrange the boundary lines of the City of Cullman in Cullman County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundaries of the Municipality of Cullman, in Cullman County, Alabama, are hereby altered, rearranged, and extended to include within the corporate limits of the City of Cullman, Alabama, in addition to the territory now embraced therein, the following described territory situated in Cullman County, Alabama, to-wit:

TRACT I:

Southwest Quarter of Southeast Quarter of Section 34, Ts. 9 S, Range 3 West, which is also known as Lot Number 25 of F. J. Crampton Addition to City of Cullman. Northwest Quarter of Northeast Quarter of Section 3, Ts. 10 S, Range 3 West, which is also known as Lot Number 26 of F. J. Crampton Addition to City of Cullman, Alabama. Southwest Quarter of Northeast Quarter of Section 3, Ts. 10 S, Range 3 West. A part of this forty has been plotted and designated as Tanglewood Subdivision to City of Cullman. Northwest Quarter of Southeast Quarter of Section 3, Ts. 10 S, Range 3 West.

All being in Cullman County, State of Alabama.

TRACT II:

The Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 17, Ts. 10 S, Range 3 West; and Four Hundred feet of even width off of and across the East side of the Southwest Quarter of the Northwest Quarter of Section 17, Ts. 10 S, Range 3 West; and All that part of Northwest Quarter of Southeast Quarter and of the Northeast Quarter of the Southwest Quarter, Section 17, Ts. 10 S, Range 3 West, lying and being North of the South R-O-W of Highway 278; and a part of the Northwest Quarter of the Southwest Quarter of Section 17, Ts. 10 S, Range 3 West, being more particularly described as follows: Beginning at the Northeast Corner of said forty; thence West along the North forty line 400 feet; thence South 480 feet along a line parallel to and 400 feet West of the East forty line to a point on the South R-O-W of Highway 278; thence North and East along said R-O-W to a point on the East line of said forty; thence North along the East forty line back to the point of beginning; and A part of the Southeast Quarter of Northeast Quarter of Section 17, Ts. 10 S, Range 3 West, being more particularly described as follows: Beginning at intersection of the North R-O-W of Highway 278 and the East line of said forty; thence North along the East

forty line 25 feet; thence West along a line parallel to and 25 feet North of the North R-O-W of Highway 278 to a point on the West forty line; thence South along the West forty line 25 feet to a point on the North R-O-W of Highway 278; thence East along the North R-O-W of Highway 278 back to the point of beginning; and also All that part of the Northeast Quarter of the Southeast Quarter of Section 17, Ts. 10 S, Range 3 West, lying and being North of the South R-O-W of Highway 278.

All being in Cullman County, State of Alabama.

TRACT III:

A part of Southeast Quarter of Southeast Quarter and of Southwest Quarter of Southeast Quarter, Section 5, Ts. 10 S, Range 3 West, described as follows, to-wit: Beginning at Northeast corner of Southwest Quarter of Southeast Quarter, Section 5, Ts. 10 S, Range 3 West; thence running West along forty line 176 feet; thence turning an angle of $89^{\circ} 54'$ and running South 550 feet to point on South line of Lake David Drive; thence East along South line of Lake David Drive 176 feet to point on East line of said forty; thence continuing East approximately 604 feet along South line of Lake David Drive into the Southeast Quarter of Southeast Quarter of Section 5, Ts. 10 S, Range 3 West and across Highway 157 to point on present corporate limits of City of Cullman being on the East R-O-W of Highway 157; thence North along said corporate limits and East R-O-W approximately 600 feet to a point on the North line of said forty; thence West along said North forty line approximately 375 feet back to point of beginning. Including within this description Lots 1 through 13 inclusive of the Ragsdale Subdivision as shown on plat thereof in the Probate Office of Cullman County, Alabama, and other lands.

All being in Cullman County, State of Alabama.

SECTION 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This act became a law on August 22, 1969 under Section 125 of the Constitution without approval by the Governor.

Act No. 515

H. 1028—Holladay

AN ACT

Relating to St. Clair County; levying a privilege license or excise tax upon sellers, distributors or users of malt or brewed beverages, said privilege license or excise tax to vary in amount based upon the location within St. Clair County where said sale of malt or brewed beverages is

consummated; providing for the administration of this act and the collection and use of the proceeds of the tax; providing penalties for violations;

Be It Enacted by the Legislature of Alabama:

Section 1. A county privilege license or excise tax is hereby imposed upon every seller, distributor, storer or user of any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in St. Clair County. The tax shall be an amount equal to .6666 of 1¢ on each 4 fluid ounces or fractional part thereof of malt or brewed beverages sold, used, consumed or distributed within the corporate limits of any municipality in St. Clair County; or the tax shall be an amount equal to .8333 of 1¢ on each 4 fluid ounces or fractional part thereof of malt or brewed beverages sold, used, consumed or distributed within the police jurisdiction of any municipality in St. Clair County; or the tax shall be an amount equal to 1¢ on each 4 fluid ounces or fractional part thereof of malt or brewed beverages sold, used, consumed or distributed in St. Clair County but outside the corporate limits or police jurisdiction of any municipality. The tax shall be in addition to all other taxes heretofore or hereafter levied on such beverages; provided, that where the amount of the tax imposed by this act shall have been paid to the county by any seller, distributor, dealer, or user, such payment shall be sufficient, the intent being that the tax levied by this act shall be paid but once.

Section 2. The privilege or license tax authorized herein shall be collected by or under the supervision and control of the county governing body who shall be solely responsible for the administration of this act. Said body is hereby empowered to adopt such rules and regulations and administrative machinery for the enforcement and collection of the tax levied by this act as said body shall determine necessary and said governing body shall have the authority to provide for devices for affixing stamped impressions or stamps on lids and crowns or containers to be used as evidence of payment of the tax levied by this act and to provide proper forms requiring sufficient information and proof to be verified by the oath of any seller, distributor, dealer or other user claiming exemptions from payment of the tax on account of purchases made from others who have paid the tax imposed by this act. The county governing body shall be authorized to employ such personnel and inspectors to assist in the administration and enforcement of this act as it may deem necessary. It shall be the duty of the Sheriff and other duly constituted officers of St. Clair County to enforce the provisions of this act and nothing herein shall be interpreted as relieving them of such duty.

Section 3. Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this act, and on or before the 15th day of each calendar month thereafter, file with the county governing body a written statement sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered. A copy of such statement shall also be furnished to each municipality with the county.

(b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

Section 4. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the county governing body and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided, however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 5. (a) It shall be the duty of any person subject to the license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters from which the correct amount of license tax to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the county governing body thirty days' notice in writing of his intent to

destroy or dispose of such records. The county governing body or its duly authorized agent is authorized to inspect such records and to make copies of such parts of same as he may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

(b) Upon demand by the county governing body or its authorized deputy or agent, auditor or representative, it shall be the duty of any person subject to the license tax imposed by this act, to furnish, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, sales, receipts, inventories and any other information from which the correct amount of license tax to which such person is subject, may be determined, including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor, punishable according to law.

(c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the license tax due, and the required information as to sales in the several tax areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the county governing body to ascertain from such information and data as it may reasonably obtain the correct amount of license tax due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days after receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

(d) The tax shall be paid by each distributor or seller when he makes his report as required by Section 3 or if the county governing body enacts regulations requiring decals or other devices then said tax shall be paid by the purchase of said decals or other devices.

Section 6. (a) It shall be the duty of the county governing body to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act, and to furnish the same to such distributors or sellers as they may be required.

(b) It shall be the duty of the county governing body to enforce the provisions of this act and to that end its duly appointed agent or the Sheriff or a deputy Sheriff or any other legally constituted officer of the county is hereby authorized to enter any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages and to inspect the containers of malt and brewed beverages within the retailers premises for the purpose of determining whether or not said retailer is in possession of any untaxed malt or brewed beverages.

(c) In the event the St. Clair County governing body shall adopt regulations which require the purchase and affixing of decals or other devices evidencing the payment of the tax provided by this act upon each container containing malt or brewed beverages then and only then will the provisions of Sections 7, 8 and 9 of this act be applicable and enforceable.

Section 7. Unlawful Acts. Among others the following acts shall be unlawful and punished as misdemeanors:

(a) It shall be unlawful for any person required by this act to affix decals or other similar devices to containers containing malt or brewed beverages, to fail to affix such decals or other devices.

(b) It shall be unlawful for any person to sell, offer to sell or deliver within the county any malt or brewed beverages to which decals or other devices have not been affixed as provided by this act.

(c) It shall be unlawful for any person to have in his possession or under his control a container of malt or brewed beverages without the proper decal as required by this act.

(d) It shall be unlawful to manufacture, buy, sell, offer for sale or possess or to attempt any reproduction or counterfeit decals or other devices provided for in this act or to possess tools, implements, instruments or materials of any kind necessary or appropriate to reproduce or counterfeit such tools or devices or to alter or cause to be altered any decal or other devices provided for by this act.

(e) It shall be unlawful to remove from a container of malt or brewed beverages or otherwise prepare any decals or other

device with intent to use or cause the same to be used after it has already been used; to buy, sell or offer for sale or give away any washed, removed, altered or restored decals or other devices to any person or to have in possession any such washed or removed or restored or altered decals or other devices, or for the purpose of indicating the payment of any tax hereunder, to reuse any tax decal or other devices which has heretofore been used evidencing the payment of any tax provided for in this act or except as to the governing body of St. Clair County to sell any decal or other device provided for in this act.

(f) It shall be unlawful to reuse or refill with malt or brewed beverages any container from which malt or brewed beverages theretofore tax paid have been removed.

Section 8. Any inspector employed under the provisions of this act or any sheriff or any deputy sheriff or any municipal police officer shall have authority to seize without warrant any and all containers of malt or brewed beverages not bearing a decal or other device as provided in Section 9 of this act. After such seizure of any undecaled or improperly decaled malt or brewed beverages, such undecaled or improperly decaled brewed beverages are hereby declared to be contraband goods, and upon such confiscation shall be delivered to the Chairman of the Court of the County Commissioners for sale at public auction to the highest bidder after due advertisement; the proceeds of the sale of such malt or brewed beverages sold hereunder after paying all costs shall be distributed as provided under Section 10 of this act. The Chairman of the Court of County Commissioners upon receiving said malt or brewed beverages shall proceed as follows: First, he shall cause a list containing a particular description of the malt or brewed beverages seized showing the quantity of each brand, the date or dates on which confiscated, and the person or persons from whom confiscated, to be prepared in duplicate. The said Chairman of the Court of County Commissioners shall proceed to post a notice for three weeks in writing at three places in the county that the seizure was made, describing the malt or brewed beverages seized and the quantity of each brand and stating the time and place and cause of their seizure, and requiring any person claiming such malt or brewed beverages to appear and make such claim within twenty-one days from the date of the first posting of such notice. Second, any person claiming such malt or brewed beverages so seized as contraband within the time specified in the notice may file with the Chairman of the Court of County Commissioners a claim in writing stating his interest in the malt and brewed beverages seized and shall execute a bond to the Chairman of the Court of County Commissioners in the penal sum equal to double the value of the malt and brewed beverages so seized, but in no case

shall the said bond be less than the sum of \$100.00 with sureties to be approved by the Chairman of the Court of County Commissioners and conditioned that in the case of condemnation of the malt and brewed beverages, the obligator shall pay to the Chairman of the Court of County Commissioners for the benefit of St. Clair County, Alabama the full value of the malt or brewed beverages so seized, and all costs or expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the Chairman of the Court of County Commissioners, he shall transmit the same with the duplicate list or description of the malt and brewed beverages so seized to the county attorney or to the district attorney of the county, and the said county attorney or district attorney shall file a bill in the Circuit Court in Equity to secure the forfeiture of said malt or brewed beverages and containers in which seized. Upon filing the bond as aforesaid, the said malt or brewed beverages shall be delivered to the claimant pending the outcome of said case, provided, however, the proper license tax must be paid by the claimant before said malt or brewed beverages are delivered to him by the Chairman of the Court of County Commissioners. Third, if no claim is interposed or no bond given within the time above specified, such malt or brewed beverage shall be forfeited without further proceedings and the same shall be sold to the highest bidder. In addition to said bid, said purchaser shall pay the tax on said malt or brewed beverages as provided for by this act. The proceedings against such malt or brewed beverages pursuant to the provisions of this act shall be considered as proceedings in rem.

Section 9. Collection of the tax may be accomplished in this fashion:

The governing body may procure decals or other devices susceptible of being affixed, with measureable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the tax levied by this act, and may procure such forms and other printed matter and materials as may be necessary in the administration of this act. Decals or other devices may be furnished to each seller or distributor of malt or brewed beverages, upon his request therefor and payment of the amount of tax corresponding to the stated value of the decals or other devices that he procures, less an eight per cent (8%) discount; provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the

appropriate decals or other devices before the same is taken from storage, sold or delivered.

Section 10. The proceeds of the tax imposed by this act shall be paid into the General Fund in the County Treasury and the proceeds of such tax less the cost of collecting said tax, shall be disbursed out of the County Treasury as follows: One-half of the proceeds of the net proceeds of such tax shall on or before the 25th day of each month be paid to the St. Clair County Board of Education. The balance of said tax shall remain in the General Fund of St. Clair County to be disbursed by the St. Clair County governing body as any other funds of the county are disbursed.

Section 11. Any person, firm, or corporation who violates any provision of this act or the rules and regulations as may be provided by the county governing body shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 12. Any person, firm, or corporation who fails to pay the tax herein levied within the time prescribed in the rules and regulations promulgated by the county governing body shall pay, in addition to the tax, a penalty of ten per cent of the amount of tax, together with interest thereon at the rate of one-half of one per cent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are repealed.

Section 15. This act shall become effective on the first day of the calendar month immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:27 P.M.

Act No. 516

H. 1029—Holladay

AN ACT

Relating to counties having a population of not less than 24,800 nor more than 25,400 according to the most recent Federal Decennial Census; to authorize the county governing body of any such county to appropriate

a contingent fund out of county funds and to use such fund for purposes not otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to counties having a population of not less than 24,800 nor more than 25,400 according to the most recent Federal Decennial Census.

Section 2. The board of revenue, court of county commissioners, or like governing body in any such county is hereby authorized and empowered to appropriate out of any moneys in the treasury not otherwise appropriated, and to expend not exceeding the sum of three thousand dollars (\$3,000.00) per annum for any purpose not otherwise provided for by law, that in their judgment are worthy and for the best interest of the county, the fund hereby authorized to be known as the "contingent fund." Provided, however, the expenditures herein provided shall first be authorized by the governing body of the county in a resolution spread upon its minutes.

Section 3. Under the provisions of Section 2, not more than three thousand dollars (\$3,000.00) shall be appropriated and expended in any one year; and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as will together with the sum so remaining unexpended bring the contingent fund up to the sum of three thousand dollars (\$3,000.00).

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:28 P.M.

Act No. 517

H. 1033—Drake

AN ACT

Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the last or any subsequent federal decennial census; to provide for the compensation of the members of the jury commission in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000, according to the last or any subsequent federal decennial census, each member of the jury commission shall be paid fifteen dollars (\$15) per diem for the time actually engaged in the discharge of his official duties as such member. This compensation shall be paid from the general funds of the county in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:29 P.M.

Act No. 518 H. 1039—Adwell, Gloor, Dill, Kilgore, Money,
Sessions, Yeilding, Gafford, Cook
(Jefferson), Weeks, Waggoner,
Bowers, Meeks

AN ACT

TO PROVIDE THAT ANY CITY OF THIS STATE HAVING A POPULATION OF 300,000 INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS SHALL BE ENTITLED TO BE REIMBURSED FOR ALL HOSPITAL BILLS, DOCTOR'S BILLS, MEDICAL EXPENSES, EMPLOYEE SALARY WHILE ABSENT FROM DUTY, AND OTHER EXPENDITURES MADE BY SUCH CITY OR AGENCY AS A RESULT OF AN INJURY TO AN EMPLOYEE OF SUCH CITY OR AGENCY WHILE IN THE ACTUAL PERFORMANCE OF HIS DUTIES AS SUCH EMPLOYEE, PROXIMATELY CAUSED BY THE NEGLIGENCE OF A THIRD PERSON, TO SUCH EMPLOYEE OF SUCH CITY OR AGENCY THEREOF BY THE PERSON, FIRM OR CORPORATION GUILTY OF OR LIABLE FOR SUCH NEGLIGENCE OR TO WHOM SUCH NEGLIGENCE MAY BE IMPUTED; TO PROVIDE FOR THE ENFORCEMENT OF SUCH RIGHT TO REIMBURSEMENT.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to a city of the state having a population of 300,000 inhabitants or more according to the last or any subsequent Federal census.

Section 2. Any city referred to in Section 1 of this Act shall be entitled to be reimbursed for all hospital bills, doctor's bills, medical expenses, employee salary while absent from duty, and other expenditures made by such city or agency as a result

of an injury to an employee of such city or agency while such employee is in the actual performance of his duties for such city or agency, and which injury was proximately caused by the negligence of a third person; said reimbursement to be made by the person, firm or corporation guilty of or liable for such negligence or to whom such negligence may be imputed.

Section 3. Any such municipality may for itself, or in its name for the benefit of an agency thereof, institute an action at law against any person, firm or corporation for reimbursement of expenditures made by such municipality or such agency for hospital bills, doctor's bills, medical expenses; and/or employee salary while absent from duty, made reasonably necessary by an injury to such employee of such city or agency proximately caused by the negligence of such person, firm or corporation, or which negligence may be imputed to such person, firm or corporation.

Section 4. The right which such municipality has under this Act to file an action at law as herein provided shall be separate and apart from any right which such injured employee may have to institute an action against such negligent third party and shall not be affected thereby, provided that this section shall not prohibit the consolidation for trial of a suit brought by a city hereunder with a suit brought by an employee under any law relating to the consolidation of suits for trial.

Section 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared severable.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:30 P.M.

Act No. 519

H. 1058—Smith

AN ACT

To amend Section 6 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109), an act to regulate further the procedure for the abandoning the Commission form of government and the reorganization of the city government thereafter in all cities of this state which have a population of not less than 16,000 nor more than 26,000 according to the most recent federal decennial census, with respect to the salary of

the Mayor and Aldermen elected under the above act and to further establish the office of Mayor as a full-time office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 78, H. 64, Special Session 1967 (Acts 1967, p. 109) is amended to read as follows: "Section 6. The Mayor elected pursuant to Section 3 of this Act shall receive an annual salary of \$12,000, payable in equal monthly installments. In cities to which this Act is applicable, the office of Mayor shall be a full-time office to which the person holding the office of Mayor shall devote his full time and energies. The person holding the office of Mayor shall not be otherwise gainfully employed while holding office. The Aldermen elected pursuant to Section 3 of this Act shall each receive a salary of one hundred dollars per month. The salaries of the successors of such Mayor and Aldermen shall be determined in accordance with the general Municipal laws applicable to such cities."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:31 P.M.

Act No. 520 H. 1073—Cook (Jefferson), Dill, Watkins,
Yeilding, Gloor, Jackson (T),
Money, Kilgore, Waggoner,
Meeks, House, Sessions, Bowers

AN ACT

TO AMEND SECTION 3 OF ACT NO. 662 OF THE LEGISLATURE OF ALABAMA OF 1951 (GENERAL ACTS OF 1951, PAGE 1132, ET SEQ) WHICH FIXES, LEVIES, AND REQUIRES THE PAYMENT OF A LICENSE TAX UPON THE SALE, DISTRIBUTION, DELIVERY, STORAGE, OR TAKING OUT OF STORAGE OF BEER, LAGER BEER, ALE, PORTER, NEAR BEER OR SIMILAR FERMENTED MALT LIQUOR IN ANY COUNTY HAVING A POPULATION OF 400,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 662 of the Legislature of Alabama of 1951 (General Acts of 1951, page 1132, et seq) which fixes levies, and requires the payment of a license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer or similar fermented malt liquor in any county having a population of 400,000 or more according to the last or any subsequent federal census, be amended so as to read as follows:

"Section 3. (a) Every distributor or seller of malt or brewed beverages shall in addition to all other taxes or licenses now imposed by law pay a license tax to the county, and a license tax is hereby fixed and created which shall be a sum and amount equal to one and one-third cents on each eight ounces or fractional part thereof per container of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county; provided, however, that where a container holds more than eight ounces but not in excess of twelve ounces, a license tax is hereby fixed and created which shall be a sum and amount equal to two cents on each such container holding more than eight ounces and not in excess of twelve ounces; provided, further, that where a container holds more than twelve ounces, but less than eighteen ounces, then such license tax shall be a sum equal to two cents on the first twelve fluid ounces and one cent on the additional six fluid ounces, or fractional part thereof, per container; and it is further provided that in the event malt or brewed beverages are authorized to be sold in a container which holds thirty-two ounces, then in that event such license tax on such malt or brewed beverages sold in containers holding thirty-two ounces shall be a sum and amount equal to five cents on each thirty-two ounce container; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a distributor or seller of malt or brewed beverages, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided, further, however, that any distributor or seller, in order to be exempt under this provision shall first comply with the provisions of sub-section (b) of this section. (b) Any distributor or seller of malt or brewed beverages, selling, distributing, delivering, storing, or taking out of storage, malt or brewed beverages purchased from any other distributor or seller of malt or brewed beverages who has paid the license tax thereon as fixed in subsection (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such distributor or seller claiming such exemption must, on or before the 15th day of the month next preceding the month in which this Act becomes effective, and on or before the 15th day of each and every calendar month thereafter, file with the Probate Judge of the county, a written statement, sworn to and subscribed by such distributor or seller, claiming exemption, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, and the brand of

such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and the disposition thereof by such distributor or seller claiming the exemption; such statement to be made in form prescribed by the License Inspector. (c) Each and every distributor or seller of malt or brewed beverages, except such as claim and obtain exemption under the provisions of sub-division (b) of this section, shall, on or before the 15th day of the month next preceding the month in which this Act becomes effective and on or before the 15th day of each and every month thereafter, file with the Probate Judge and License Inspector of the county, on forms, prescribed by the License Inspector, a written statement, sworn to and subscribed by such distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and which also shall contain a detailed, itemized statement showing the name and address of each and every distributor or seller or other person to whom any malt or brewed beverages are sold, distributed or delivered by such distributor or seller, together with the quantity of each branch of malt or brewed beverages, sold, distributed or delivered to each, the size and kind of containers of each brand of such malt or brewed beverages, and the date or dates on which sold, distributed or delivered; and any distributor or seller failing, refusing, or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor and each day that such default continues shall constitute a separate offense. (d) The license herein fixed and prescribed in sub-section (a) of this section shall and must be paid by each person against whom the same is levied, or who is liable or subject to such license under the provisions hereof, on or before the 15th day of each calendar month, at the time of filing the statement required by sub-section (c) of this section, which license shall be based on the sale, distribution, delivery, storage and taking out of storage, of malt or brewed beverages, during the calendar month next preceding; and any person failing, refusing, or omitting to pay such license within the time herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense, and in addition

to the other penalties herein provided for, there shall be added to such license tax a penalty of twenty per centum of the amount thereof for such delinquency, said penalty to be paid to the License Inspector, and by him paid into the general treasury of the county for the use of the county. (e) In the event that any such malt or brewed beverage is, or becomes, unfit for human consumption, such malt or brewed beverage shall be exempt from the tax levied hereby, provided, however, no such exemption shall apply unless a finding that such beverage is unfit for human consumption is made by the License Inspector in the manner provided for herein and unless the said beverage is returned to the brewery from which it was received. When it is claimed that any such malt or brewed beverage is unfit for human consumption, as a condition to obtaining such exemption, the person so claiming the same shall be required to submit to the License Inspector a statement, verified under oath, setting forth the circumstances, conditions, and facts rendering such beverage unfit for human consumption. In addition, such statement shall contain any other information deemed by the License Inspector to be material to the inquiry. After considering such statement and other information, the License Inspector shall make a finding in writing as to whether said beverage is unfit for human consumption. If the License Inspector finds such beverage unfit for human consumption, then upon satisfactory proof being made to the License Inspector by said claimant that said beverage has been returned to the brewery, the exemption provided for herein shall be allowed." (f) This Act shall not be construed to apply to beer, lager beer, ale, porter, near beer, or similar fermented malt liquor stored by a wholesale dealer for the purpose of resale or reshipment outside a county subject to the provisions of this act, which such beer, lager beer, ale, porter, near beer or similar fermented malt liquor is actually so resold and reshipped, and the local governing body of the location to which such malt liquor is reshipped imposes and collects a tax on such malt liquor which is equal to or in excess of the tax imposed by this Act.

Section 2. Severability.—If, for any reason, any clause, sentence, subsection, section or provision of this act, or the application thereof to any person, body, situation, or circumstance is held invalid or inoperative, the remainder, of this Act and the application thereof to any other person, body, situation, or circumstance shall not be affected thereby.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:33 P.M.

Act No. 521 H. 1075—Dill, Yeilding, Gloor, Jackson (T),
 Money, Kilgore, Meeks, House,
 Cook (Jefferson), Ellis, Sessions,
 Bowers

AN ACT

TO AMEND FURTHER SECTION 18 OF TITLE 19, OF THE CODE OF ALABAMA OF 1940, AS HERETOFORE AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTION 18 OF TITLE 19 OF THE CODE OF ALABAMA OF 1940," ACT NO. 758, REGULAR SESSION OF THE LEGISLATURE OF ALABAMA 1953, (ACTS OF 1953, VOL. 2, PAGES 1020 and 1021), SO AS TO PROVIDE FOR THE EXEMPTION OF CITIES HAVING A POPULATION OF THREE HUNDRED THOUSAND INHABITANTS OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, FROM POSTING BOND FOR RIGHT OF ENTRY IN CONDEMNATION APPEALS FROM PROBATE COURT TO CIRCUIT COURT.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 18 of Title 19, of the Code of Alabama of 1940, as amended by an Act entitled "An Act to amend Section 18 of Title 19 of the Code of Alabama of 1940", Act No. 758, Regular Session of the Legislature of Alabama 1953, approved September 17, 1953, be and the same is hereby further amended to read as follows:

"Section 18. Judgment not suspended by appeal if damages paid into court and bond given.—No appeal shall suspend the judgment, or deprive the applicant of the right of entry, provided the amount of the damages assessed for the parties who appeal or against whom an appeal is taken, shall have been paid into court in money, and a bond shall have been given in double the amount of such damage, with good and sufficient surety, to pay such damages as the property owners may sustain. Said amount of damages may be paid into court and said bond in double the amount of such damage, with good and sufficient surety may be given, at the time of taking the appeal or at any time thereafter that the applicant may desire the right of entry pending the appeal. Provided, however, that in condemnation proceedings in which any county having a population of four hundred thousand inhabitants or more, or any City having a population of three hundred thousand inhabitants or more, according to the last or any subsequent Federal census, is a party and where an appeal is taken, such County or City shall have the immediate right of entry pending said appeal as if a good and sufficient bond had been filed as described above."

Section 2. All laws or parts of laws in conflict herewith are herewith repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law,

and shall apply to all condemnation cases now pending or hereafter filed.

Approved August 21, 1969.

Time: 8:34 P.M.

Act No. 522

H. 1076—Dill, Watkins, Yeilding, Gloor,
Jackson (T), Money, Weeks,
Kilgore, Meeks, Waggoner,
House, Cook (Jeff.), Ellis,
Sessions, Bowers

AN ACT

Relating to Jefferson County; providing for the disposal by the county purchasing agent, or other county officer performing the duty of the county purchasing agent, of contraband or illegal articles that come into possession of the sheriff of such county through the performance of the duties of that office where such disposal is not presently authorized by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The county purchasing agent, or other officer performing the duty of the county purchasing agent of Jefferson County, shall have the authority to dispose of contraband or other illegal articles, unclaimed motor vehicles and other articles that come into possession of the sheriff of the county through the performance of the duties of that office where such disposal is not presently authorized by law as hereinafter provided.

Section 2. It shall be the duty of the sheriff, having received possession of any of the articles mentioned in Section 1 of this act, to report the seizure and detention thereof in writing to the district attorney or person performing the duty of district attorney of Jefferson County. It shall be the duty of the district attorney or person performing the duty of the district attorney to file a bill in equity in the circuit court of Jefferson County praying that such articles be forfeited to the state and be sold by the county purchasing agent or person performing the duty of the county purchasing agent and the money received from such sale or sales be paid into the general fund of the county. Such forfeiture and sale shall proceed and be determined in equity in the circuit court of Jefferson County in the same form and manner, as near as may be, as in the forfeiture and destruction of gaming devices, except as herein otherwise provided. When any decree of condemnation and sale is made under the provisions of this section the judge or chancellor making such decree shall direct therein the sale of said articles by the purchasing agent of the county, in the event no appeal is taken

within fifteen (15) days from the rendition thereof, shall be carried out and executed before the expiration of twenty (20) days from the date of the decree. The court, at its discretion, shall direct in said decree that the costs of the proceedings be paid by the person in whose possession said contraband or other articles were found when seized, or by any party, or parties, who claim to own said contraband or other articles, or any interest therein, and who contested the condemnation and forfeiture thereof, and if such costs are not collected by execution, the register shall tax and collect such costs from the county and the same shall be paid as in criminal cases in which the state fails, upon the court making an order to that effect.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:35 P.M.

Act No. 523

H. 1080—Dill, Watkins, Yeilding, Gloor,
Jackson (T), Money, Kilgore,
Meeks, Waggoner, House,
Cook (J), Ellis, Sessions,
Bowers

AN ACT

TO AUTHORIZE ANY COUNTY OF THIS STATE HAVING A POPULATION OF 500,000 OR MORE, ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, TO REIMBURSE ANY OFFICER, AGENT OR EMPLOYEE OF THE COUNTY FOR ANY TAXES WHICH ANOTHER STATE, OR ANY COUNTY, MUNICIPALITY OR POLITICAL SUBDIVISION THEREOF, EXACTS FROM, OR CHARGES, SUCH OFFICER, AGENT OR EMPLOYEE WHEN HE OBTAINS IN SUCH OTHER STATE LODGING, OR OTHER FACILITIES OR ITEMS, WHICH IT IS NECESSARY FOR HIM TO OBTAIN IN THE PERFORMANCE OF HIS DUTIES FOR THE COUNTY.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any County of the State having a population of 500,000 or more, according to the last or any subsequent Federal census.

Section 2. As used herein, the following words and terms shall have the meanings hereby ascribed to them: "the County" means any County to which this act applies; "the governing body" means the Board of Revenue, Board of Commissioners or

other governing body of the County; "employee" means and includes an officer, employee or agent of the County; "tax" means and includes a sales tax, lodging tax or other excise tax; "another State" means any State of the Union except Alabama; and "official trip" means and includes any trip an employee makes to another State with the approval of the governing body, in the performance of his duties as an employee.

Section 3. The governing body is authorized to reimburse any employee for taxes which another State, or any County, municipality or political subdivision thereof, exacts from, or charges, such employee when he obtains lodging, or other facilities, or items, which it is necessary for him to obtain in the performance of his duties for the County on an official trip. It is provided, however, that the governing body shall not make, or pay, any such reimbursement, until the employee has complied with all laws and regulations governing the presentation of claims by employees for the reimbursement of expenses incurred by them in the performance of their official duties for the County.

Section 4. This act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:36 P.M.

Act No. 524

H. 1090—Graham, Berryman (W)

AN ACT

Relating to Franklin County, providing for appointment of a clerk by the Register of the Circuit Court, in Equity, and for payment of such clerk's salary by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Register of the Circuit Court, in Equity, for Franklin County, Alabama, may appoint a clerk to hold office at the pleasure of the Register and to perform such duties as the Register directs. The beginning salary of said clerk shall be \$125.00 per month, payable monthly, which said salary shall be paid from the general fund of the county. From time to time, as the work load in the office of the Register increases, and consequently as the work load of said clerk increases, the Register may request the Board of Revenue of the county to raise the salary of said clerk, subject to the approval of the board, in multiples of \$25.00 per raise per month.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:37 P.M.

Act No. 525

H. 1096—Hardin

AN ACT

Relating to Butler County; authorizing the county governing body and the governing body of each municipality in the county to contribute public funds for a volunteer rescue squad.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or other like governing body of Butler County is hereby authorized to appropriate or expend county funds for the purpose of providing contributions for the use of any organized and established volunteer rescue squad operating within the county. After the county governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payment shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. The governing body of any municipality in Butler County is likewise authorized to contribute municipal funds to such rescue squad when its governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions. Payment shall be made from municipal funds upon the warrant signed by the mayor or other presiding officer of the municipal governing body.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 8:38 P.M.

Act No. 526

H. 1098—Foshee, Jackson (F)

AN ACT

To alter, rearrange, extend and fix the boundaries and limits of the Town of River Falls in the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of River Falls in Covington County, Alabama, be and the same hereby so altered, rearranged, extended and fixed as to include within the corporate limits of said town all territory now within such corporate limits and also certain other contiguous territory in Covington County, Alabama; all of which territory lying and being in Covington County, Alabama, is more particularly described as follows:

All of Section 2, less and except all land on the East side of U. S. Highway No. 84, lying South of the South line of John Grant Wright fence line in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 2, Township 4, Range 15; All of Section 3; All of Section 4, and that portion of Section 5 lying East of Adams Creek, all in Township 4 North of Range 15 East. S $\frac{1}{2}$ of S $\frac{1}{2}$ of Section 27; All of Section 32 lying East of Adams Creek; All of Section 33; all of Section 34; All of Section 35, all in Township 5 North of Range 15 East.

Section 2. This act shall be effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:40 P.M.

Act No. 527

H. 1104—Neville

AN ACT

Relating to the registration of voters in Barbour County; providing further for the preparation and publication of the poll list; imposing additional duties on the board of registrars and the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Barbour County, in registering any qualified elector of the county who lives in any precinct lying wholly within the corporate limits of any municipality in the county, shall record on the application of the elector and on the precinct list required in Section 54, Title 17, Code of Alabama 1940, the name of the municipality in which such elector resides. If the elector resides in any precinct lying partly within and partly without the corporate limits of any such municipality, the board of registrars shall likewise indicate on such application blank and precinct list whether or not the elector resides within the corporate limits of the municipality, and if so, the name of the municipality in which he resides. In the registration book in which the names of the registered electors are entered in alphabetical order as provided in Section 50, Title 17, Code of Alabama 1940, each person who resides within any

municipality of the county shall have recorded opposite his name, the name of the municipality in which he resides.

Section 2. Upon the request of the governing body of any municipality in the county, made by resolution duly adopted and recorded in its minutes, the probate judge of the county shall prepare and maintain the list of registered voters of such municipality separate from the list of other registered voters in the precinct or precincts in which the municipality lies. Whenever such lists of registered voters are published, the names of the voters residing within the corporate limits of any municipality shall be listed separately from the names of the voters residing within the precinct but without the corporate limits of the municipality.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:41 P.M.

Act No. 528

H. 1116—Graham, Berryman

AN ACT

Relating to the thirty-fourth judicial circuit; authorizing the district attorney of such circuit to appoint a stenographic secretary; and to provide that the compensation of such secretary be paid by Franklin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of the thirty-fourth judicial circuit may appoint a stenographic secretary who shall serve at the pleasure of the district attorney and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the district attorney at the sum of not exceeding one hundred fifty dollars per month. Said compensation shall be paid in monthly installments out of the general fund of the treasury of Franklin County at the end of each month, or semi-monthly at the election of said secretary, such payment to be made on certificate issued by the district attorney

of the circuit in favor of such secretary for the respective amounts due each month.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:42 P.M.

Act No. 529

H. 1147—Jones, Pennington, Grainger,
McLain, Laxson

AN ACT

To repeal Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 553, H. 477, Regular Session 1967 (Acts 1967, p. 1306) which act provides an additional and alternate method of issuing licenses and the paying for same in Madison County, is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:43 P.M.

Act No. 530

H. 1148—Laxson, Jones, Grainger, McLain,
Pennington

AN ACT

To provide for the presiding judge, Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The circuit judges of the Twenty-Third Judicial Circuit of Alabama shall select one of their number who shall be called the presiding judge who may designate one of the judges to preside in his absence, and if the presiding judge does not designate a judge to preside, the other judges shall select one to

preside in the absence of the presiding judge. In the event the judges are unable to select a presiding judge, they shall make their inability to decide known to the Chief Justice of the Supreme Court of Alabama who shall appoint one of their number as presiding judge.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10.44 P.M.

Act No. 531

H. 1149—Pennington, McLain, Grainger,
Laxson, Jones

AN ACT

To allow prospective jurors to be excused without the presence of the defendant in the Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In all capital cases where trial by a jury is held before the Circuit Court in the Twenty-Third Judicial Circuit of Alabama, the judge presiding over the empanelment of the jury venire in said capital case is authorized to excuse any prospective juror outside the presence of the defendant provided said juror has a legal excuse for being excused and it shall be within the discretion of the judge to determine whether said prospective juror's excuse is legal; provided that in no case shall there be a smaller number of jurors to select from in said capital case than provided by statutes now in force and effect.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:45 P.M.

Act No. 532 H. 1150—McLain, Jones, Grainger, Pennington,
Laxson

AN ACT

To abolish the drawing of special venires in capital cases in the Twenty-Third Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. No special venire shall be ordered or drawn for the trial or trials of a defendant or defendants in capital felonies in the Circuit Court of the Twenty-Third Judicial Circuit of Alabama, but a defendant or defendants in capital felony cases shall be entitled to strike from a list of not less than forty-eight competent jurors obtained from the regular juries in the Court. One hundred names shall be drawn from the jury box for service during any week in which a capital case is set for trial.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:46 P.M.

Act No. 533 H. 1151—Jones, Pennington, Grainger,
Laxson, McLain

AN ACT

To regulate further the excusing of persons from jury service in the Twenty-third Judicial Circuit; to authorize requiring persons excused from jury service at one time to serve at a subsequent time; and to regulate the compensation of jurors summoned for one week, but required to serve in another.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit judge in the Twenty-Third Judicial Circuit of Alabama who excuses any person from jury service for reasonable and proper cause pursuant to Code of Alabama 1940, Title 30, Section 5, may in his discretion, direct such person so excused from jury service to serve at some later date to be determined by the court. No juror who is excused pursuant to the provisions of this Section shall be entitled to his mileage

fee and per diem fee for the day on which he originally appears and is excused; and for his services during the subsequent week in which he is required to serve he shall receive the same fees as if he was originally summoned to serve during that week.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:47 P.M.

Act No. 534 H. 1152—Laxson, Grainger, Jones, Pennington,
McLain

AN ACT

Relating to judicial procedure in the Twenty-third judicial circuit; regulating and providing further for the separation of the jury by consent in felony cases in such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. If the accused and his counsel and also the prosecuting attorney, in the Twenty-Third Judicial Circuit of Alabama, in any prosecution for felony, whether capital or non-capital consent thereto in open court, the trial court in its discretion may permit the jury trying the case to separate during the pendency of the trial, whether the jury has retired or not. A separation so permitted shall not create a presumption of prejudice to that accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury.

Section 2. It shall be improper for the trial court to ask the accused, counsel for the accused, or the prosecuting attorney in the hearing of the jury whether or not he or they will consent to a separation of the jury pending the trial. It shall be improper for the accused or counsel for the accused, or the prosecuting attorney to state to the trial court in the hearing of the jury that he or they consent to a separation of the jury pending the trial.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:48 P.M.

Act No. 535 H. 1153—Pennington, McLain, Laxson, Jones,
Grainger

AN ACT

To change the method of compensating certain officers of Madison County; placing such officers on a salary basis at the expiration of their current terms and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Madison County shall be entitled to receive compensation as follows:

(a) For the Clerk of the Circuit Court of the Twenty-third Judicial Circuit of Alabama, a salary of Fifteen Thousand (\$15,000.00) Dollars per annum.

(b) For the Sheriff, a salary of Sixteen Thousand Five Hundred (\$16,500.00) Dollars per annum.

Such salaries shall be in lieu of all other compensation, remuneration or repayment of expenses heretofore provided by law, including, but not limited to, fees, commissions, allowances, percentages and other charges heretofore paid such officers and such salaries shall be payable in equal monthly installments out of the General Fund of the County.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the Circuit Court Clerk and Sheriff, hereafter shall be collected and paid into the General Fund of the County by the officer authorized by law to make such collection. Such payment into the General Fund of the County shall be made by the 10th day of the month following collection.

Section 3. The Board of County Commissioners, Board of Revenue, or other like governing body of Madison County shall provide the Circuit Clerk with such clerical assistance, quarters, books, stationery, furniture, equipment, postage, travel expenses and such other conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of the office. The said Clerk shall have such clerical assistants and deputies as shall be provided in the budget adopted by the governing body of Madison County, Alabama for the operation of said office. Such clerical assistants and deputies shall serve at the pleasure of the Circuit Court Clerk.

The county governing body shall likewise provide the Sheriff with such clerical assistance, quarters, books, stationery and supplies, furniture, equipment, postage, travel expenses and such other conveniences as it may consider necessary for the proper and efficient operation of the Sheriff's office and shall furnish the Sheriff an adequate number of automobiles or other motor vehicles, which shall be repaired, maintained and serviced (including oil, gas, tires, battery service and lubrication necessary for their upkeep and operation) at the Madison County Highway Maintenance Shop, or elsewhere in case of emergency, at the expense of the General Fund of the County under such regulations as the county governing body may prescribe. The Sheriff shall have a chief deputy and such additional deputies as shall be provided in the budget adopted by the governing body of Madison County, Alabama for the operation of said office. Such chief deputy or deputies shall serve at the pleasure of the Sheriff.

On or before August 15 of each year, the Circuit Clerk and Sheriff shall file with the governing body of the County a detailed estimate, in such form as that body may prescribe, showing by items the anticipated financial requirements for the operation of said office during the ensuing fiscal year. The governing body of the county shall adopt its budget not later than the first regular meeting in October of each year and the budget so adopted shall make such provision with respect to the financial operation of the office of Circuit Court Clerk and Sheriff as the county governing body may determine reasonable and proper.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective as to each officer named herein upon the expiration of the current term for which each such officer has heretofore been elected or appointed and at the commencement of the next term of said office.

Approved August 21, 1969.

Time: 10:49 P.M.

Act No. 536

H. 1154—Jones, McLain, Pennington,
Grainger, Laxson

AN ACT

To change the method of compensating the Register of the Twenty-third Judicial Circuit of Alabama; placing such officer on a salary basis upon the appointment of a Register and providing for the operation of the Office of Register on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The Register of the Twenty-third Judicial Circuit of Alabama shall be entitled to receive compensation in the form of a salary of Thirteen Thousand Five Hundred Dollars (\$13,500.00) per annum.

Such salary shall be in lieu of all other compensation heretofore provided by law, including but not limited to, fees, commissions, allowances, percentages and other charges heretofore paid such official and shall be payable in equal monthly installments out of the General Fund of Madison County.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the Register hereafter shall be collected and paid into the General Fund of Madison County by the 10th day of each month following collection.

Section 3. The Board of County Commissioners, Board of Revenue, or other like governing body of Madison County shall provide the Register with such clerical assistance, quarters, books, stationery, furniture, equipment, postage, travel expenses and such other conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of the office. The said Register shall have such clerical assistants and deputies as shall be provided in the budget adopted by the governing body of Madison County, Alabama for the operation of said office. Such clerical assistants and deputies shall serve at the pleasure of the Register.

On or before August 15 of each year, the Register shall file with the governing body of the County, a detailed estimate, in such form as that body may prescribe, showing by items the anticipated financial requirements for operation of said office during the ensuing fiscal year. The governing body of the County shall adopt its budget not later than the first regular meeting in October each year, and the budget so adopted shall make such provision with respect to the financial operation of the Office of Register as the County governing body may determine reasonable and proper.

Section 4. The provisions of this Act are severable. If any of the Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective upon the appointment of the Register by the Presiding Circuit Court Judge of the Twenty-third Judicial Circuit of Alabama and the term of office of the Register shall be concurrent with the term of office of the Presiding Circuit Judge of the Twenty-third Judicial Circuit of Alabama.

Approved August 21, 1969.

Time: 10:50 P.M.

Act No. 537 H. 1155—Pennington, McLain, Laxson, Jones,
Grainger

AN ACT

To amend further the Act approved August 5, 1953, for the establishment of a "Solicitor's Fund" for the Circuit Solicitor of Madison County (Act No. 289, S 299, 1953 Acts 354).

Be It Enacted by the Legislature of Alabama:

Act No. 289 of the 1953 Acts of Alabama, Regular Session, is amended further to read as follows:

Section 1. All Solicitor's or District Attorney's fees hereafter taxed as costs and collected in all criminal cases in Madison County shall be paid by the Clerk of the Court collecting such fees into the treasury of Madison County, Alabama in a fund to be designated the District Attorney's Fund and shall be kept, used and expended in the manner hereinafter provided. Such payment shall be made by the 10th day of each month following collection. All monies in the Solicitor's Fund at the time of the passage of this Act shall be paid immediately into the District Attorney's Fund and shall be kept, used and expended in the manner hereinafter provided.

Section 2. The Board of County Commissioners shall pay all indebtedness and charges against the Solicitor's Fund which are outstanding and unpaid at the time of the passage of this Act upon the certification of the District Attorney that the charge or indebtedness was extant and current at the time of the passage of this Act.

Section 3. The District Attorney of the Twenty-third Judicial Circuit is hereby authorized to requisition expenditures from the said District Attorney's Fund for the payment of the following items: (a) office supplies, postage and telephone; (b) necessary expenses relative to obtaining evidence; (c) films, photos and maps; (d) travel expenses at the rate authorized by law for state officials; (e) continuing legal education and con-

ferences; (f) professional dues and assessments; (g) professional books and periodicals for use in the office of the District Attorney of the Twenty-third Judicial Circuit of Alabama; (h) witness fees and transportation costs. The Board of County Commissioners shall pay for such items out of the District Attorney's Fund upon such requisition and upon certification made to the Board of Commissioners by the District Attorney that the funds requested were or are to be used for the purposes enumerated in this section of this Act.

Section 4. The Board of County Commissioners is authorized to make expenditures from the District Attorney's Fund for the defense of indigent defendants in the Madison County Court upon the certification of the Judge of said Court that the defendant was entitled to a defense at public expense in accordance with existing law; provided, however, that no expenditures authorized by this Section 4 shall be made by the Board of County Commissioners until it is determined by the Board that there are sufficient monies in the fund or to become due to the fund to meet the expenditures required to be made under Section 3 of this Act.

Section 5. On the first day of each and every fiscal year, said fiscal year beginning on the first day of each October and ending the last day of each September, all monies in the District Attorney's Fund which have not been expended as heretofore provided in this Act, shall be transferred to the General Fund of Madison County, Alabama and shall thereafter be expended and used as provided by law.

Section 6. The Chairman of the Board of County Commissioners shall have the power to act for the Board of Commissioners upon the requisitions and in the payment of funds from the District Attorney's Fund.

Section 7. All laws and parts of laws which conflict with this Act are repealed.

Section 8. This Act is severable and if any part hereof is held to be unconstitutional, it shall not be construed to affect those parts which remain.

Section 9. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:51 P.M.

AN ACT

To amend further the act approved July 7, 1965 providing for the creation of a county license department in counties having a population of not less than 115,000 nor more than 165,000 according to the 1960 or subsequent federal decennial census, electing to come under the provisions of said Act (Act No. 103, S. 222, Regular Session, 1965) by providing for the appointment of a license inspector for such county or counties and to fix his duties and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 115,000 nor more than 165,000, according to the 1960 or any subsequent federal decennial census where the county has previously elected to come under the provisions of Act No. 103, S. 222, Regular Session, 1965.

Section 2. Any other provisions of law not withstanding there is hereby created for any county which has previously elected to come under the provisions of Act No. 103, S. 222, Regular Session, 1965, the position of license inspector for such county.

Section 3. The license inspector for such county shall be the Director of the County License Department.

Section 4. It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the county license department and also to examine the license records of each city or town located in the county of which he has been appointed license inspector, and if it shall be reported to the license inspector or come to his knowledge that any person, persons, firms or corporations have failed or refused to take out a license for a business or occupation for which a license is required by the state, or have failed or refused to take out license for operating any motor vehicle or trailer for which license is required by law, the license inspector shall thereupon cite such delinquent to appear before the license inspector at the courthouse of the county in which such citation is issued and show cause why the license or privilege tax required by law has not been paid, and at the same time shall file with the director of the county license department of the county a copy of such citation showing service on the delinquent. (a) If the license inspector shall discover any motor vehicle being operated without a proper or legal license, he shall cite the operator of the motor vehicle, and in filing copy of such citation with the director of the county license department he shall show on such citation the particular motor vehicle operated without legal license, as well as the operator thereof. (b) The director of the county license department must in all cases, in addition to the other penalties required to be collected by him, collect the

citation fee, if any, due the license inspector before issuing or authorizing the issuance of any license, and in case of motor vehicle where a license is taken out in the name of person not cited, the citation fee shall be collected if citation filed shows the motor number of such vehicle. When any license is due the license inspector shall cause the delinquent to appear before the director of the county license department of the county and take out the same, but such director shall not have the authority to determine the liability of such delinquent for such license and shall in each case issue a license to the applicant upon the payment by him of the amount or amounts prescribed by Title 51, Chapter 20, Code of Alabama, Recompiled 1958, as amended. If such delinquent shall fail or refuse to take out license, the license inspector shall institute or cause to be instituted, criminal proceedings against such delinquent before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place. (c) All licenses levied by Title 51, Chapter 20, Code of Alabama, Recompiled 1958, as amended, except as otherwise provided, shall be due and payable as of October 1 of each year and shall be delinquent November 1 thereafter. Where any license issuable by the director of the county license department shall be delinquent, the same shall be subject to a penalty of fifteen percent (15%) of the amount of the license, which penalty must be collected by the director of the county license department when the license is taken out, together with interest at six percent (6%) from the date of delinquency; provided, that the penalty for delinquency and payment of motor vehicle license shall in no case be less than one dollar and fifty cents (\$1.50). (d) It shall be unlawful for the director of the county license department to fail to collect such penalties when issuing such license. (e) The director of the county license department shall file report with the comptroller and with the department of revenue showing the amount of such penalties collected, from whom, and for what, the amounts paid to the county license department and the amounts remitted, provided, however, that all fees and penalties shall be paid into the general fund of the county treasury, except as otherwise provided by law. (f) If a criminal prosecution shall be commenced either by affidavit or warrant, or information or indictment, there shall be paid fifteen percent (15%) of the fine or penalty thereafter imposed in the case. All costs and penalties to be paid in money and to be deposited in the general fund of the county treasury. (g) License inspectors are authorized to appoint deputies and the acts of such deputies shall be recognized as his acts and he shall be responsible for the same. Such deputies shall receive such salary as shall be provided in the budget adopted by the governing body of Madison County, Alabama for the operation

of the office of the county license department. All citations to delinquents shall be served by any lawful officer or by the license inspector or his deputy who shall be allowed as a fee one dollar and fifty cents (\$1.50) for each citation served, to be taxed against the delinquent and which said fee shall be remitted and paid as now provided by law, except that the citation fee heretofore paid to the license inspector shall be paid into the general fund of the county treasury. The license inspector or his deputies shall have the same power to arrest persons violating the revenue laws of the state as is now vested in the sheriff of the state and shall receive the same fees for such service, which fee shall also be paid into the general fund of the county treasury. The department of revenue shall keep a record by counties in which, each month, shall be entered the number of licenses issued by the county license department for each and every business or occupation for which a state license tax is required, and such record may be compared each month with the number of licenses issued by cities and towns for the same business or occupation. The license inspector shall be required to report to the department of revenue the reason for the failure to collect any license due the state which may be evidenced by the comparison of the report of the director of the county license department and the report made of licenses issued by cities or towns. (h) It shall be the duty of the board of county commissioners or other governing body of the county to supply the license inspector with necessary citation blanks and other necessary forms, with necessary transportation, including but not limited to automobiles, and to pay necessary expenses in connection with the operation of same.

Section 5. This Act shall become effective on the first Monday after the second Tuesday in January 1971.

Approved August 21, 1969.

Time: 10:52 P.M.

Act No. 539

H. 1158—McLain, Pennington, Jones, Laxson,
Grainger

AN ACT

To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 115,000 nor more than 165,000 according to the last federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the jury commissions of all counties having populations of not less than 115,000 nor more than

165,000, according to the 1960 or any subsequent federal decennial census, shall each be paid the sum of Fifteen (\$15.00) Dollars per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county. Such warrant shall be issued by such probate judge upon evidence satisfactory to him that such service has been rendered; but the maximum amount payable to each member shall not exceed One Thousand Three Hundred Fifty (\$1,350.00) Dollars per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:54 P.M.

Act No. 540

H. 1159—Manley, Pruitt

AN ACT

Relating to Marengo County; making further provisions respecting the qualifications and compensation of the deputies and assistants of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy and all other deputies of the sheriff of Marengo County whose compensation is paid from the county treasury shall possess all qualifications as to age and residence as may be prescribed by law and in addition each deputy must be a high school graduate with a high school diploma or its equivalent; provided, however, that the requirement of being a high school graduate with a high school diploma or its equivalent shall not apply to any person holding the office of chief deputy sheriff or deputy sheriff at the time of passage of this Act.

Section 2. The chief deputy sheriff of Marengo County shall be paid not less than \$510 nor more than \$610 a month. The starting salary of the chief deputy shall be \$510 per month, which may be increased to \$535 after six months and further increased by \$25 annually until the maximum is reached.

Section 3. The other two deputies of the sheriff of Marengo County whose compensation is paid by the county shall each be paid a salary of not less than \$460 nor more than \$560 a month. The starting salary for each of such deputies shall be \$460 per month, which may be increased to \$485 after six

months and further increased by \$25 per month annually until the maximum is reached.

Section 4. The jailer for Marengo County shall be paid a salary of not less than \$300 nor more than \$400 a month, as fixed and determined by the county governing body.

Section 5. Salary raises for the chief deputy and other deputies shall be in the sole discretion of the sheriff. The county governing body shall fix the compensation of each deputy within the limitations prescribed in this Act upon the recommendations of the sheriff.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:55 P.M.

Act No. 541

H. 1160—Pruitt, Manley

AN ACT

To alter, extend and rearrange the boundary lines and corporate limits of the City of York in Sumter County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of York in Sumter County, Alabama, are hereby altered, extended, and rearranged so that in addition to the territory presently embraced therein, all of the lands lying within the bounds hereinafter described will lie and be within the boundaries and corporate limits of such city:

Begin at the Southwest corner of the NW $\frac{1}{4}$ of Section 29, Township 18 North, Range 3 West, Sumter County, Alabama, thence run North along the West line of said NW $\frac{1}{4}$ of Section 29 to the South right-of-way of Proposed Interstate Highway No. 59; thence run Northeasterly along said South right-of-way of Proposed Interstate Highway No. 59 to the East line of Section 20, Township 18 North, Range 3 West; thence run South along the East Section Lines of said Sections 20 and 29 to the South-

east corner of NE $\frac{1}{4}$ of said Section 29; thence run West along the South line of the N $\frac{1}{2}$ of said Section 29 to the point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:56 P.M.

Act No. 542

H. 1161—Manley, Pruitt

AN ACT

To repeal Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled, "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for the county; providing for the duties, authority, term and compensation of such agent; and requiring bond."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 42, S. 69 of the 1966 Special Session (Acts, Special Session 1966, p. 65) entitled "An Act relating to Marengo County; authorizing the board of revenue to appoint a purchasing agent for the county; providing for the duties, authority, term and compensation of such agent; and requiring bond," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:57 P.M.

Act No. 543

H. 414—Springer

AN ACT

To amend the Code of Alabama, 1940, Title 51, Section 611 in relation to the license tax payable on motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 51, Section 611, as amended, is amended further to read as follows:

611. Transient vendors and peddlers.—(a) Each person traveling on an animal or using a vehicle other than a motor vehicle, doing business as a transient vendor or peddler as

defined in this section, displaying, selling, or offering to sell any goods, wares, or merchandise, other than to a merchant for resale, shall pay a privilege license to the state of Alabama of fifteen dollars and five dollars for the county in each county in which such transient vendor or peddler does business for each vehicle. (b) Each itinerant vendor or peddler of merchandise, other than tobacco products, medicines or household remedies, or liquified petroleum products, but including persons, firms, corporations, partnerships or cooperatives whose principal business is selling and distributing milk and dairy products, who operates on foot or uses a vehicle solely for the purpose of transporting merchandise from house to house or place to place but who does not use such vehicle for the display of merchandise or as a rolling store and who does not permit purchasers to enter said vehicle for the purpose of purchasing merchandise, shall pay an annual license of twenty dollars to the state and ten dollars to the county in each county in which they do business; and the payment of one state license shall authorize such persons, firms, corporations, partnerships or cooperatives to engage in such business in any county in the state upon the payment of a county license of ten dollars to each county in which said persons, firms, corporations, partnerships or cooperatives do business. (c) Each person using a motor vehicle, doing business as a transient vendor or peddler as defined in this section displaying, selling or offering to sell any goods, wares or merchandise of whatever nature, at retail shall pay to the state in order to engage in such business the following licenses: Upon one motor vehicle, the annual license for each such motor vehicle, not in excess of one, so used, shall be one hundred dollars. Upon two motor vehicles, or more, but not to exceed three, the annual license fee for each such additional motor vehicle shall be—one hundred and thirty dollars. Upon more than three motor vehicles, but not to exceed six, the annual license fee for each such additional motor vehicle shall be—one hundred and fifty dollars. Upon each motor vehicle in excess of six, for each such additional motor vehicle two hundred dollars. In addition to the above, there is levied a license of—fifty dollars for the state and a county license of fifty dollars in each additional county in which said business is conducted. Rolling stores which are controlled or held with others by stock ownership of twenty-five percent or ultimately controlled or directed by one management or association of ultimate management, shall be deemed for the purpose of this section as being owned by the same person. (d) Each person going from person to person, place to place, town to town, selling or giving away medicine, salves, ointments, lotions or other goods, wares or merchandise, by exhibitions, shows, performances or other entertainment, whether sold for himself or another, in each

county where such sales or gifts are made, shall pay a license of one hundred dollars. Definition of transient vendor or peddler: When used in this section, the words "transient vendor or peddler" shall be held to include any person embraced in any of the following classifications: (a) All persons commonly and generally termed "peddlers" and falling within the usual and commonly understood definition of "peddler"; or, (b) all persons acting for themselves or as an agent, employee or salesman, or in any capacity for another whether as owner, bailee, or other custodian of goods, wares and merchandise, going from person to person, house to house, or place to place, and selling or offering to sell, or consigning or offering to consign, other than to a retail merchant for resale, goods, wares and merchandise; or, (c) all persons who do not keep a regular place of business, open at all times in regular business hours at the same place, going from person to person, house to house, or place to place, or from town to town, and selling or offering for sale, other than to a retail merchant, goods, wares and merchandise which they carry with them and who deliver the same at the time of or immediately after the sale; or, (d) all persons who go from person to person, house to house, place to place, soliciting orders, other than from a retail merchant for resale, by exhibiting samples, or taking orders and thereafter making delivery of the goods or filling the order, without carrying or sending the order to the permanent place of business. This section shall not apply to a person or to any member of his immediate household, selling or offering to sell dairy, poultry, or farm products raised, produced or grown by himself, or the immediate members of his household, or such products preserved, bottled, or canned by himself, or the immediate members of his household, or to persons peddling wood, charcoal, fruit or vegetables; or to blind persons or persons physically disabled to the extent of thirty percent, such disability to be certified to by a reputable physician and the local license inspector, operating other than a rolling store, or to peddlers of poultry and eggs, or to persons selling fish, shrimp, crabs or other sea foods. These and none other shall be exempt from the payment of the license tax levied by this section. The payment of the privilege license required by this section shall not authorize any transient vendor or peddler to sell any goods, wares or merchandise for which a higher or specific license is required without the payment of such license in addition to the license herein levied, or to sell any goods, wares or merchandise that are by law required to be sold at a fixed location, except upon the payment of the maximum license levied under the section or sections of this chapter for the sale of merchandise at a fixed location. This section shall not apply to transient dealers of bottled soft drinks

when sold or distributed from a bottling plant which has paid the privilege license imposed by section 476 of this title.

Section 2. All other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective October 1, 1969, following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:58 P.M.

Act No. 544

H. 879—Haygood, Hill

AN ACT

To extend, alter and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines and corporate limits of the City of Florence be and the same are hereby extended, altered and rearranged so as to include within the corporate limits of the City of Florence all of the following additional adjacent territory in Lauderdale County, Alabama, situated, to-wit:

TRACT A. Parts of the Southeast Quarter of Section 36, Township 2, Range 11 West, and the Northeast Quarter of Section 1, Township 3, Range 11 West, more particularly described as follows: Beginning at a point where the center line of Bellview Road intersects the center line of Hough Road; thence South $63^{\circ} 0'$ West for 368.5 feet; thence East for 466.0 feet; thence North $15^{\circ} 30'$ West for 237.0 feet to the center line of Hough Road; thence South $63^{\circ} 0'$ West for 90.6 feet to the point of beginning.

TRACT B. Part of the East $1/2$ of Section 7, Township 3 Range 10 West, beginning at a point where the West line of the East $1/2$ of said Section 7 intersects the North shore line of the Florence Canal; thence North to the South boundary of Section 6, Township 3, Range 10 West; thence East to the Northeast corner of said Section 7; thence South to the 505-foot contour line of Lake Wilson and continue South with the East line of said Section 7, crossing a slough to the 505-foot contour line on the Westwardly side of said slough; thence Southwardly and Southwestwardly with said 505-foot contour line to Lake Wilson; thence Westwardly with the meandering of the North

shore line of Lake Wilson and Florence Canal to the point of beginning.

TRACT C. Beginning at the Southwest corner of Section 26, Township 2 South, Range 11 West; thence North to the intersection with Old Chisholm Road; thence Southwardly meandering with the center line of Old Chisholm Road to the South line of said Section 26; thence West to the Southwest corner of said Section 26 and point of beginning.

TRACT D. Beginning at a point 350 feet East and 40 feet South of the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 28, Township 2 South, Range 11 West; thence East for 610 feet; thence South 200 feet to the existing City Limits; thence West along the present City Limits line a distance of 610 feet; thence North 200 feet to the point of beginning.

TRACT E. Beginning where the East line of the West 1/2 of Section 4, Township 3 South, Range 11 West intersects the center line of Cypress Creek; thence South to the South line of said Section 4; thence East 1320 feet; thence South 1320 feet; thence West to the center line of Cypress Creek; thence meandering upstream with the said Cypress Creek through the North 1/2 of Section 9, Township 3 South, Range 11 West, the Southwest 1/4 of Section 4, Township 3 South, Range 11 West, Section 5, Township 3 South, Range 11 West, and the Northwest 1/4 of Section 4, Township 3 South, Range 11 West to the point of beginning.

SECTION 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 21, 1969.

Time: 10:59 P.M.

Act No 545

S. 775—Turner

AN ACT

To make an appropriation for the payment of expenses of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from any funds in the state treasury not otherwise appropriated the sum of \$600,000.00 for the payment of the expenses of the Legislature. This appropriation shall be in addition to any appropriations heretofore or hereafter made for this purpose.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 26, 1969.

Time: 2:46 P.M.

Act No. 546

S. 767—Branyon

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Pickens County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Pickens County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such

obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Pickens County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Pickens County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Pickens County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed by the Senate August 7, 1969.

Passed by the House August 14, 1969.

Act No. 547

S. 98—Radney, Turner, Torbert, Harris,
McDermott, and Engel

AN ACT

Proposing an amendment to the Constitution of Alabama providing for the registration of electors by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama 1901 is proposed and shall become valid as a part of the Constitution when approved and proclaimed as prescribed by law.

Proposed Amendment

"The legislature may enact appropriate legislation authorizing and providing for the following persons to register to vote by mail, if they possess the qualifications of an elector and are not disqualified from voting under the Constitution and laws of Alabama, namely, members of the armed forces of the United States, persons employed outside the United States, and the spouses and children of such persons, provided, however, that such persons shall be entitled to register only in the counties where they were residents prior to entering the status which makes them eligible for such registration".

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed by the Senate, as amended, August 6, 1969.

Passed by the House August 21, 1969.

Act No. 548

S. 813—Harris

AN ACT

To propose an amendment to the Constitution of Alabama relating to Morgan County and the City of Hartselle and the City of Decatur, authorizing each of them separately or any two or more of them jointly, to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects or sites, to lease, sell, exchange and otherwise convey all or any part of any such projects or sites; and, after an approving bond election, to issue its interest-bearing general obligation bonds therefor; to exempt bonds issued to finance the acquisition of industrial sites from the requirement of an election; to specify the details respecting such bond election; to limit the amount of bonds that said county and said cities may have outstanding under the authority of said amendment; to require, as a condition precedent to the issuance of any such bonds, a lease or other similar agreement providing for the payment to the issuer of such bonds of rentals sufficient to pay the debt service on such bonds; to require the pledge of such rentals for such bonds and to authorize other security for such bonds; to authorize the said county or said cities, as the case may be, if such action is necessary to prevent or cure a default on bonds issued by said county

or cities, to levy ad valorem taxes, without limit as to rate or amount and in addition to all other taxes then authorized, on the assessed value of all taxable property therein; to provide that in carrying out the purpose of said amendment neither said county or said cities shall be subject to the provisions of Section 93 of the Constitution of Alabama; and to provide that said amendment shall be self-executing but that the legislature shall have the power to enact supplemental general, special or local legislation notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, to become valid and effective as a part of such Constitution when approved by a majority of the qualified electors voting thereon and thereafter proclaimed ratified by the Governor:

Proposed Amendment

"For the promotion of local industrial, commercial or agricultural development, Morgan County and the City of Hartselle and the City of Decatur shall each separately or any two or more of them jointly have full and continuing power (a) to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects or sites, including real and personal property, plants, buildings, factories, works, facilities, machinery and equipment of any kind whatsoever; (b) to lease, sell, exchange or otherwise convey all or any part of any such project or site to any person, firm or corporation; (c) after an approving election as hereinafter provided, if required, to sell and issue for such purposes interest-bearing general obligation bonds. Neither the county nor the cities shall issue any bonds under the authority of this amendment, other than bonds issued to finance the acquisition or development of industrial sites, such development to include the extension and installation of streets and roadways and utility services, unless the question of the issuance of such bonds has first been submitted to the qualified electors of the county or the cities, as the case may be, and approved at such election by a majority of the qualified electors voting thereat. Each such election shall be called, held and conducted, and may be contested, in the manner provided by law for county or municipal bond elections, as the case may be. Bonds issued under the authority of this amendment shall not be considered indebtedness of the county or the cities, as the case may be, within the meaning of Sections 224 and 225 of the Constitution of Alabama, but neither the county nor the cities shall at any time issue any bonds under the authority of this amendment if as a result thereof it will have outstanding an aggregate principal amount of bonds issued hereunder in excess of twenty per cent of an assessed value of the property in the county or the cities, as the case may be. Neither shall the county or the cities issue any bonds under the authority of this amendment, except bonds issued to finance

the acquisition or development of industrial sites, such development to include the extension and installation of streets and roadways and utility services, unless prior thereto or contemporaneously therewith the county or the cities, as the case may be, has entered into a lease or other similar agreement, with respect to the project being financed by such bonds, providing for the payment to the county or the cities, as the case may be, of net rentals sufficient to pay the principal of and the interest on such bonds at the respective maturities of such principal and interest, and any bonds issued hereunder shall be secured by a pledge of such rentals and may be secured by a foreclosable mortgage on such project and by a pledge of any other taxes and revenues which the county or the cities, as the case may be, is authorized by law to pledge to the payment of its bonded indebtedness. All bonds issued under the authority of this amendment shall be sold at public sale in the manner required by law for the sale of county or municipal bonds, as the case may be, and shall mature and be payable in annual or semi-annual installments in such amounts and at such times as to result in the aggregate amount of principal and interest maturing thereon in each year following the year of their issuance being substantially equal, but shall not be subject to any other provisions of law relating to maturities of county or municipal bonds. In the event that any such action is necessary to prevent or cure a default in payment of the principal of or the interest on any bonds issued under the authority of this amendment, the county or the cities, as the case may be, is authorized to levy and collect ad valorem taxes, without limitation as to rate or amount, on the assessed value of all taxable property in the county or the cities, as the case may be, but only so long as and only to such extent as necessary to prevent or cure any such default.

"In carrying out the purposes of this amendment, neither Morgan County nor the City of Hartselle nor the City of Decatur shall be subject to the provisions of Section 93 of the Constitution of Alabama, and the taxes which the county and the cities are hereinabove authorized to levy and collect are in addition to all other taxes which the county and the cities are authorized to levy and collect. This amendment shall be self-executing, but notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama, the legislature shall have the power, by general, special or local act, to enact laws supplemental hereto or in furtherance of the purposes hereof."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature. Such election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 210 and 214, inclusive, of Title 17 of the Code of Alabama 1940, as amended.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the date herein appointed for the election. In any county in which there is no newspaper published, such notice shall be posted at each courthouse therein.

Constitutional Amendment

Passed by Senate August 7, 1969.

Passed by House August 21, 1969.

Act No. 549

S. 567—Engel, Cooper

AN ACT

Proposing a constitutional amendment relative to the title and use of sixteenth section school lands lying within the corporate limits of the City of Mobile.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

Proposed Amendment

The Legislature shall have power to divest the State of Alabama of title to that certain sixteenth section of school lands described as follows: Section 16, Township 4 South, Range 2 West, St. Stephens Meridian, in Mobile County, and may provide for the grant of such lands and the income therefrom to the board of trustees of the University of South Alabama.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed by Senate August 15, 1969.

Passed by House August 21, 1969.

Act No. 550 H. 281—Fite, Snell, House, Manley, Cook (Coffee), Berryman (W), Pennington

AN ACT

To further provide for and raise revenue for the State of Alabama; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for payment of the proceeds from said tax into the State Treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word, "Board," wherever used in this act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 1 of Title 29 of the Code of Alabama of 1940. The term "selling price," wherever used in this act shall mean the total marked-up price of spirituous or vinous liquors sold by the Board, exclusive of the taxes heretofore levied with respect thereto.

Section 2. Levy to Tax. In addition to all other taxes of every kind now imposed by law, and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of five percent (5%) upon the selling price of all spirituous or vinous liquors sold by the Board. The tax hereby imposed shall be collected by the Board from the purchaser at the time the purchase price is paid.

Section 3. Tax not to be absorbed but passed on to purchaser. The mark-up as currently established by the Board on spirituous or vinous liquors shall not be reduced by the Board for the purpose of absorbing the tax herein levied; it being the intention hereof that the said tax shall be passed on to the purchaser.

Section 4. All revenues collected under the provisions of this act shall be paid into the State Treasury to the credit of the General Fund.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 7. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:30 A. M.

Act No. 551 H. 282—Fite, Snell, House, Manley, Cook (Coffee), Berryman (W), Pennington

AN ACT

To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes; and providing for the distribution of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club, or association within the State of Alabama who sells, or stores, or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any cigarettes shall collect and pay over to the State of Alabama a license or privilege or excise tax at the rates hereinafter set forth upon the selling, use, consumption, distribution, storing or withdrawal from storage in this state of cigarettes for any use. Provided, that where the tax as hereinafter set forth shall have been paid to the state by any such person, firm, corporation, club, or association, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once. The tax hereby levied shall be at the following rates:

On each package of cigarettes containing twenty cigarettes or less, two cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, three cents; and on each package of cigarettes containing more than forty cigarettes, four cents.

(b) Every such person, firm, corporation, club, or association shall add the amount of the tax levied and assessed herein to the sales price of the cigarettes, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer or user with such person, firm, corporation, club or association acting merely as an agent of the state for the collection and payment of the tax to the state. For the convenience of collection, such person, firm, corporation, club, or association shall be required to purchase tax stamps from the State of Alabama, and affix the same to the package at the rates set out hereinabove and in the manner provided by Section 2.

(c) When the retail or selling price is referred to herein as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

Section 2. (a) The taxes herein levied shall be paid through the use of stamps, and shall be paid to and collected by the State Department of Revenue at the same time and in the same manner as provided for the payment and collection of the taxes on tobacco and tobacco products levied by Section 718, through Sec-

tion 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, and all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments, and deductions set out in Section 718 through Section 743, Title 51, Code of Alabama (1940), or any laws amendatory thereof or supplemental thereto, including all the provisions for the enforcement and collection of the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended, shall except as otherwise provided herein, apply to the payment and collection of the tax levied by this Act. It is provided, however, that the State Department of Revenue shall furnish, for affixing to the boxes, packages, or containers of the cigarettes as enumerated in this Act single stamps of the requisite denominations to represent the payment of the tax levied hereby as well as the tax levied by Section 718, Title 51, Code of Alabama (1940), as amended.

(b) Provided, however, all cigarettes in inventory by retailers and wholesalers, as of the close of business on the last day of the first month following the passage and approval of this act by the Governor, or upon its otherwise becoming a law, shall also be subject to the additional tax imposed by this act, which tax shall be paid by such retailers and wholesalers directly to the Department of Revenue without the purchase of stamps. Provided, that if the tax levied by this act with respect to inventories provided herein is not reported and paid on or before the first day of the third month following the passage and approval of this act by the Governor, or upon its otherwise becoming a law, the Department shall add a penalty of 10% of the tax due, but in no case shall the penalty be less than \$5.00 per month for failure to report and pay said tax. Provided further, that the Department may, if a good and sufficient reason is shown, waive or remit the penalty or a portion thereof.

Section 3. All revenues collected under the provisions of this act shall be paid into the State Treasury to the credit of the General Fund.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 6. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:35 A. M.

Act No. 552

H. 827—Steagall

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the town of Level Plains in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the town of Level Plains in Dale County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within such corporate limits of the town, a tract of land more particularly described as follows:

In Section 19, Township 4 North, Range 23 East: The Southwest quarter of the Northeast quarter; the West half of the Northwest quarter of the Southeast quarter.

In Section 20, Township 4 North, Range 23 East: The East half of the Southwest quarter; the North half of the Southeast quarter.

In Section 21, Township 4 North, Range 23 East: The Northwest quarter of the Southwest quarter and the Northeast quarter of the Southwest quarter.

In Section 29, Township 4 North, Range 23 East: The Northwest quarter.

In Section 30, Township 4 North, Range 23 East: The East half of the Southeast quarter of the Northeast quarter; and the East half of the Northeast quarter of the Northeast quarter.

All of the above described land lying and being situated in Dale County, Alabama.

Section 2. The substantive provisions of this Act shall become operative only if the Act is approved by a majority of the qualified electors owning property within that part of the territory hereinabove described which is not presently included within the corporate limits of the town of Level Plains, voting in a referendum election to be held on a day designated by the Mayor of Level Plains, not less than 10 nor more than 30 days from the date of this enactment. Notice of the election shall be given by publication of such notice in one issue of a newspaper of general circulation in Dale County, Alabama, and by posting such notice in two public places in Level Plains, Alabama, for three days prior to such election. The question shall be on the adoption of Act No. of the 1969 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the town of Level Plains in Dale County. The town of Level Plains shall provide the place of election and ballots therefor on which shall be written or printed the words "Do you favor the

adoption of Act No. _____ of the 1969 Regular Session of the Legislature, which alters, rearranges, and extends the corporate limits of the town of Level Plains?" If the voter desires to vote for the adoption of said Act such voter shall write on the ballot the word "Yes". If he desires to vote against the adoption of such Act the word "No" shall be written on his ballot. The town of Level Plains shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes" the provisions of this Act shall become operative immediately. If the majority are "No" this act shall have no further effect. The town clerk of Level Plains shall certify the result of the election to the secretary of state.

Approved August 29, 1969.

Time: 11:36 A. M.

Act No. 553

H. 1094—Stembridge, Crawford

AN ACT

Relating to certain county officers in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; providing expense allowances for the probate judge, the tax assessor and the tax collector; and prescribing an effective date and an expiration date for this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judges, the tax assessors and the tax collectors of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, each, shall be entitled to receive \$100 per month for expenses. Such expense allowances shall be payable in equal monthly installments out of the general funds of the respective counties, and shall be in addition to any other compensation or allowances provided by law for any such probate judges, tax assessors or tax collectors.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; and shall expire as to each of the above named officers upon the expiration of the term of the incumbent in each of such offices.

Approved August 29, 1969.

Time: 11:37 A. M.

Act No. 554

H. 1124—Steagall

AN ACT

To regulate further the times and places of registering voters in counties having populations of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The boards of registrars of all counties having populations of not less than 31,000 nor more than 32,000, according to the most recent federal decennial census shall, each, meet at the county seat on thirty separate and several days between the first day of October and the thirty-first day of December 1969, and every two years thereafter, to register persons entitled to register to vote; and after the effective date of this Act the board shall not visit the several precincts of the county to register persons applying for registration under the provisions of Section 26, Title 17, Code of Alabama 1940, as amended.

Section 2. The provisions of Code of Alabama 1940, Title 17, Section 26 in conflict herewith are hereby repealed as to such counties.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:38 A. M.

Act No. 555

H. 1128—Stembridge, Crawford

AN ACT

Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to provide for the compensation of the judge of probate in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, the judge of probate shall be entitled to a salary of twelve thousand dollars (\$12,000) per annum, payable in equal monthly installments from the general funds of the county.

Section. 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect upon the expiration of the term of the incumbent probate judge in such counties.

Approved August 29, 1969.

Time: 11:39 A. M.

Act No. 556

H. 1129—Stembridge, Crawford

AN ACT

To fix the compensation of the sheriffs of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the sheriff of any county of this state having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, shall be an annual salary of \$10,000, which shall be payable out of the general fund of the county, and shall be in lieu of all fees, commissions, percentages, or allowances provided for or prescribed by general, special, or local laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect at the expiration of the term of the incumbent sheriff of the county or counties to which it applies.

Approved August 29, 1969.

Time: 11:40 A. M.

Act No. 557

H. 1130—Stembridge, Crawford

AN ACT

Regulating the compensation of registrars of all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; and providing for payment of additional compensation to them by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; each member of the board of registrars shall receive \$10 per day to be paid by the state, and \$5 per day to be paid by the county, to be disbursed on order of the judge of probate for each day's attendance of the registrar upon the sessions of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:41 A. M.

Act No. 558

H. 1131—Stembridge, Crawford

AN ACT

Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census; to fix the minimum and maximum figures for the salary of the deputy sheriffs and all other employees of the sheriff's department in such counties; to authorize the county governing body to prescribe the exact amount of such salaries; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, each deputy sheriff and other employee of the sheriff's department shall receive a salary of not less than three hundred and forty-five dollars (\$345) per month nor more than six hundred dollars (\$600) per month. The county governing body in such counties is hereby authorized to prescribe the exact salary of each such deputy sheriff or other employee within this range.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month following its enactment.

Approved August 29, 1969.

Time: 11:42 A. M.

Act No. 559 H. 733—Turnham, Young, McCorquodale, Hardin, Bank, Grainger

AN ACT

To provide for voluntary and temporary or emergency admissions of patients at certain state hospitals and facilities maintained for treatment of the mentally ill, and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any citizen of this State may be admitted to a state hospital for the mentally ill, or to any psychiatric facility maintained or operated under the supervision and control of the Alabama Mental Health Board, on his own application.

Section 2. All voluntary and temporary or emergency admissions to state hospitals or psychiatric facilities made under this act shall be permitted only on such terms and conditions as the Alabama Mental Health Board may prescribe with approval of admitting officer. No person shall be accepted on such a basis if the hospital or facility does not have adequate facilities available or if the acceptance of the applicant would result in an overcrowded condition.

Section 3. No citizen admitted to a state hospital for the mentally ill or to any facility as authorized in this act shall lose any legal right, privilege, or immunity guaranteed or provided other citizens under the laws of this State by reason of such admission. Any citizen admitted to a hospital or facility under this act may be released at any time at his own request.

Section 4. The provisions of Code of Alabama Title 45, Sections 204 and 205 in conflict with this act are hereby repealed. But nothing in this act shall be construed to change or alter the procedures governing involuntary admissions to state hospitals as prescribed by law.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:43 A. M.

Act No. 560

S. J. R. 81—McDermott, Engel and Pelham

SENATE JOINT RESOLUTION

WHEREAS, the Honorable Leroy Stevens was elected in 1968 by the people of Mobile County to his seventh consecutive term of office as a member of the Mobile County Commission; he was first elected to this body (then known as the Mobile County Board of Revenue and Road Commissioners) in 1942 and has been returned to office ever since; and

WHEREAS, Mr. Stevens has served as Chairman and President of the Mobile County governing body from the death of the Honorable A. B. Jefferies in 1954 until January, 1969, a period

of over fourteen years, during which time Mobile County has experienced substantial increases in population and industrial growth and has enjoyed a period of economic progress and growth unsurpassed in its previous history, no small part of which is attributed to the leadership of this dedicated public official; and

WHEREAS, Leroy Stevens has devoted his entire working life to the County of Mobile, having gone to work for Mobile County in 1913 as a common laborer and advancing through the ranks over the years to the positions of truck driver, foreman and road superintendent, and finally as an elected member of the county governing body and its Chairman for over fourteen years; and

WHEREAS, upon completion of his current term of office in 1972, Mr. Stevens will have completed fifty-nine years of service to Mobile County, including thirty years of elected public service on his county's governing body; and

WHEREAS, the people of Mobile County are deeply appreciative and grateful to this dedicated public servant for his outstanding record of service to their county; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that we extend the commendation of the Legislature of Alabama to the Honorable Leroy Stevens for his many years of dedicated service to the people of Mobile County and by virtue thereof, to the State of Alabama.

BE IT FURTHER RESOLVED, that the Honorable Leroy Stevens be, and he is hereby, designated Chairman Emeritus of the Mobile County Commission in recognition of his outstanding record of public service.

Approved August 29, 1969.

Time: 11:44 A. M.

Act No. 561

S. J. R. 82—Clark

SENATE JOINT RESOLUTION

WHEREAS the Governor has announced the location of a state vacation park on the Walter F. George Reservoir near Eufaula, Alabama which is one of the most beautiful areas of this state; and

WHEREAS this scenic spot will not only be a haven of rest and recreation for native Alabamians, but it will also serve as a major attraction in bringing tourists and visitors from other

states to Alabama and in making them increasingly aware of the many advantages of vacationing in Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new vacation park on Lake Eufaula be named, designated and known as the Albert Brewer Lakepoint Resort as a fitting tribute to our highly esteemed Governor.

Approved August 29, 1969.

Time: 11:45 A. M.

Act No. 562

S. J. R. 83—Dominick, Torbert

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the modernization of legislative processes. The committee shall consist of seven members, four of whom shall be members of the House to be appointed by the Speaker of the House, and three of whom shall be members of the Senate to be appointed by the presiding officer of the Senate. The committee shall elect a chairman and a vice-chairman from among its members. The chairman shall preside at its meetings and set the schedule and program for committee work and shall fix the days and hours of its meeting. In case of the absence or incapacity of the chairman, the vice-chairman shall act in his stead.

The committee shall consider those phases of the legislative processes of this state which it believes to be in need of modernization and shall attempt to determine in what manner and by what method more effective processes might be incorporated. It shall make a comprehensive study of the legislatures of other states in which modernized processes have been inaugurated and determine to what extent they have been effective in those states and to determine the cost thereof. It shall be authorized to make such inquiries and examine in detail any phase of such modernization as the committee may reasonably consider might be made effectively applicable to this state.

Members of the committee shall be entitled to their regular legislative pay and per diem expenses for each day in which they are actually engaged in committee work. The expenses of the committee shall be paid from funds appropriated to the use of the legislature, on warrants drawn by the State Comptroller upon requisitions signed by the committee chairman, provided the total amount so expended shall not exceed five thousand dollars (\$5,000).

The committee shall make a final report of its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the next regular session of the legislature, whereupon the committee shall be dissolved.

Approved August 29, 1969.

Time: 11:46 A. M.

Act No. 563

S. J. R. 84—Torbert

SENATE JOINT RESOLUTION

WHEREAS, the untimely passing of Mr. Samuel Wright (Sam) Morgan, Jr., on August 2, 1969, has brought sorrow to his family and to his many friends, not only in Lee County, but throughout the state of Alabama and in other states as well; and

WHEREAS, Mr. Sam Morgan was eminently respected in banking circles for his undaunted efforts in establishing the bank as an instrument of community development; and

WHEREAS, Mr. Morgan was instrumental in the organization and operation of several banks in Lee County and directed the Opelika National Bank to leadership in the field of processing government insured home loans for veterans after World War II, now therefore

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we deplore the loss of Mr. Sam Morgan, Jr., whose death deprives the community and the state of one of its leaders, and that we extend our heart felt sympathy to his family; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Mr. Morgan's wife and family.

Approved August 29, 1969.

Time: 11:47 A. M.

Act No. 564

S. J. R. 106—Cooper

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Secretary of the Senate and the Clerk of the House each be allowed the Enrolling and Engrossing Clerk and fifteen assistants in addition to those provided in the Code, to assist in checking the Journals and other records of the House and Senate for delivery to the Secretary of State.

Approved August 29, 1969.

Time: 11:48 A. M.

Act No. 565

S. 44—Gilmore, Hawkins, Vacca, Childs, Bailes

AN ACT

To Regulate The Establishment And Operation Of Separate Accounts By Life Insurance Companies Incorporated Under The Laws Of This State In Connection With Certain Individual And Group Contracts Providing Benefits Payable In Fixed Or In Variable Dollar Amounts, Or In Both.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any life insurance company incorporated under the laws of this state may establish one or more separate accounts, and may allocate to such separate account or accounts, in accordance with the terms of an individual or group contract, any amounts paid to the company pursuant to such contract which are to be applied to provide benefits payable in fixed or in variable dollar amounts, or in both.

(b) The amounts allocated to each such account and accumulations thereon may be invested and reinvested in any class of investments which may be authorized in the contract without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life insurance companies; provided, that to the extent that the company's reserve liability with regard to (1) benefits guaranteed as to amount and duration, and (2) funds guaranteed as to principal amount or stated rate of interest is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be invested in accordance with the laws of this state governing the investments of life insurance companies. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to other investments of the company.

(c) The income, if any, and gains and losses, realized or unrealized, on each account shall be credited to or charged against the amounts allocated to the account in accordance with the contract, without regard to other income, gains or losses of the company.

(d) Assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then in accordance with the terms of the applicable contract; provided, that the portion of the assets of such separate account at least equal to the company's reserve liability with regard to the guaranteed benefits and funds referred to in subsection (b) hereof, if any, shall be valued in accordance with the rules otherwise applicable to the company's assets.

(e) Amounts allocated to a separate account in the exercise of the power granted by this section shall be owned by the com-

pany, and the company shall not be, or hold itself out to be, a trustee with respect to such amounts.

(f) If the contract provides for payment of benefits in variable amounts, it shall contain a statement of the essential features of the procedure to be followed by the company in determining the dollar amount of such variable benefits. Any such contract and any certificate issued thereunder shall state that such dollar amount may decrease or increase and shall contain on its first page a statement that the benefits thereunder are on a variable basis.

(g) The superintendent of insurance shall have the sole authority to regulate the issuance and sale of such contracts and to issue such reasonable rules and regulations as may be necessary to carry out the purposes and provisions of this Act. All rules and regulations heretofore issued by the superintendent under other provisions of law regulating contracts providing for separate accounts which are consistent with the provisions of this Act shall remain in effect until amended, rescinded or superseded by rules and regulations issued hereunder.

Section 2. Except as otherwise provided in this Act, all pertinent provisions of the insurance laws of this state shall apply to separate accounts and contracts relating thereto.

Section 3. If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

Approved August 29, 1969.

Time: 11:49 A. M.

Act No. 566 S. 117—Goodwyn, Pierce, Radney, Branyon, Givhan, McCauley, Hawkins, Leonard, Bailes, Folsom, Vacca, Childs, Skidmore, Turner

AN ACT

To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama having a population of less than 600,000 population according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Clerk of the Circuit Court or Register of the Circuit Court in Equity in any county of the State of Alabama having a population of less than 600,000 population according to the last federal census,

(a) Who has served for 14 years as such official in any of the counties of Alabama who has become permanently and totally disabled to serve as such official while in office, upon proof of such disability being made by certificates of three reputable physicians; or,

(b) Who has served for 16 years or more as such official for any county of Alabama and who is not less than 60 years of age, may elect to become a Supernumerary Clerk of the Circuit Court or Supernumerary Register of the Circuit Court in Equity, of the county in which he has served as such official by filing a written declaration to that effect with the judge, or other authority, responsible for appointing such Register in Equity or Clerk of the the Circuit Court to office, at least 30 days prior to the time he desires to become a Supernumerary official. If such appointing authority shall find that such applicant is qualified either under subdivision (a) or (b) hereinabove set forth, a commission as Supernumerary Clerk of the Circuit Court or Register in Equity of such court for the county in which he has served, shall thereupon be issued to such applicant by such appointing authority. A clerk may count time served as deputy clerk, register or deputy register and a register may count the time served as deputy register, clerk or deputy clerk in determining the total time served, unless such official held the offices of clerk and register at the same time. The provisions of this act shall apply only to those persons who are in office at the time of the passage of this act or who may thereafter become eligible under its provisions.

Section 2. Such Supernumerary Clerk or Register of the Circuit Court in the various counties of the State of Alabama shall take the oath of office prescribed for Clerks and Registers of the Circuit Courts in this State and if a vacancy shall occur in the office of Clerk or Register in the county in which a Supernumerary Clerk or Register holds his Commission, the appointing authority shall immediately appoint one such Supernumerary from the county in which such vacancy occurs, if the appointing authority determines that there is one or more such Supernumerary in such county suitably qualified, and such Supernumerary so appointed shall immediately assume and exercise all of the duties, powers and authority of such official in said county until a permanent successor is appointed or otherwise selected. All fees and commissions which may become due while such supernumerary is so acting shall be paid into the county general fund, and the salaries of the employees in such office shall be paid by the county governing body during such period.

Section 3. Every such Supernumerary official shall serve for life and receive in equal monthly installments on the first of each month an annual salary of 30 percent of the average yearly compensation he received from every source because of his official position for the past four years as such official, said supernumerary salary not to be less than Two Thousand Four Hundred Dollars (\$2,400.00) nor more than Forty-five Hundred Dollars (\$4,500.00) per annum and paid from the general fund of the county.

Section 4. The governing body of each county in which the Clerk of the Circuit Court or the Register of such court, in equity, is paid a salary, shall begin deducting upon the effective date of this act and each month thereafter from the salaries of such officials an amount equal to 4 percent of the monthly salary paid such official up to Fifteen Thousand Dollars (\$15,000.00). Such sum shall be deducted monthly and paid into the general fund of the county. If such officials are compensated by fees and commissions, each such official, upon the effective date of this act and annually thereafter shall pay to the general fund of the county an amount equal to 4 percent of the total sum up to Fifteen Thousand Dollars (\$15,000.00) of all fees and commissions collected during the preceding twelve months as compensation as such official. Such compensation shall include all fees and commissions from any and all sources because of his official position. If any person subject to the provisions of this Act shall end his tenure of office prior to becoming supernumerary as provided herein, an amount equal to one-half ($\frac{1}{2}$) of the amount paid by him into the county general fund under the provisions of this section, shall be repaid to him. In the event such persons shall die in office prior to becoming supernumerary; such sum shall be paid to his estate. No official shall be eligible to become supernumerary unless two years payments as provided by this section have been paid. However, any official who otherwise qualifies may become eligible upon the passage of this act, by paying in a lump sum an amount equal to 4 percent of his compensation up to Fifteen Thousand (\$15,000.00) Dollars during the past two years of office.

Section 5. Every official covered by this act shall be subject to the terms thereof unless he notifies the county governing body of his county in writing to the contrary thirty days prior to the effective date of the act or within thirty days after assuming office if he is not in office on such date.

Section 6. That all laws, parts of laws in conflict herewith are expressly repealed.

Section 7. This Act shall take effect February 1, 1970.

Approved August 29, 1969.

Time: 11:50 A. M.

Act No. 567

S. 124—Goodwyn, Vacca

AN ACT

To further provide for supernumerary district attorneys.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any other acts providing for eligibility of supernumerary district attorneys, any district attorney who is not less than sixty years of age and who has served for not less than twenty years may elect to become a supernumerary district attorney by filing a written declaration to that effect with the governor, and time served as judge of a court of record, or a county court, county solicitor or any other county-wide elected official shall be counted as time served.

Section 2. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:51 A. M.

Act. No. 568 S. 201—Branyon, Lolley, Carr, Jackson, Givhan,
Harris, Gilmore

AN ACT

To regulate the business of buying and selling livestock by requiring persons engaged in such business to be licensed and bonded; prescribing the method for determining the amount of said bond; authorizing the Commissioner of Agriculture and Industries to promulgate rules and regulations to effectuate this act, and providing a penalty for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and cited as "Alabama Livestock Dealers Financial Responsibility Act".

Section 2. The following words, as used in this Act shall have the meaning indicated: (a) "COMMISSIONER" means the Commissioner of Agriculture and Industries of the State of Alabama. (b) "BOARD" means the Board of Agriculture and Industries of the State of Alabama. (c) "DEPARTMENT" means the Department of Agriculture and Industries of the State of Alabama. (d) "PERSON" means any individual, partnership, corporation, association or other business unit. (e) "DEALER" means any person engaged in the business of buying livestock in the State of Alabama for resale, exchange or slaughter and meat packing purposes, either on his own account or as agent for others on a commission basis or otherwise. (f) "LIVESTOCK" means cattle, swine, sheep and goats.

Section 3. No person shall engage in the business of a dealer as hereinabove defined without having a license therefor issued by the Commissioner of Agriculture and Industries, which license shall expire on December 31, and shall be renewable as of January 1 of each year. An application for a license or annual renewal of a license as required hereunder shall be filed with the Commissioner upon a form furnished for this purpose accompanied by a fee of Ten Dollars (\$10.00) payable before issuance of such license. Such application shall state the full name and address of the person applying for the license, the name of each member of the firm, or all officers, if a corporation or association, together with the location of applicant's business operation and the general territory or area in which applicant intends to buy livestock and it shall also contain any other information deemed necessary by the Commissioner for the administration of this Act. License fees collected hereunder shall be deposited in the State Treasury to the credit of the Agricultural Fund. Upon receipt of said application with the payment of the license fee and the furnishing of a bond as hereinafter provided, a license shall be issued entitling the applicant to engage in the business of a dealer as hereinabove defined; provided, however, that a license shall be denied or revoked when the Commissioner finds that the applicant has failed to comply with any of the provisions of this Act or that the applicant or licensee has failed to pay for livestock purchased or has given in payment for livestock purchased a check or draft which has been returned unpaid or dishonored without reasonable cause, is or has become involved in any legal proceeding which may impair his ability to meet his financial obligations, has suffered a money judgment to be entered against him upon which execution has been returned unsatisfied or has been guilty of fraud in applying for or obtaining a license or a renewal thereof as required by this Act. Any person denied a license or any dealer whose license has been revoked by the Commissioner may appeal such action of the Commissioner to the Board by filing a written request therefor with the board within ten (10) days after notice of denial or revocation of a license has been received and such appeal shall be heard by the Board within thirty (30) days following the date on which such appeal is filed. The filing of an appeal shall not suspend the action of the Commissioner in the revocation or denial of a license. The action of the Board in refusing to grant, or in revoking any license may be reviewed by the Circuit Court of Montgomery County, Alabama, upon a petition being filed in said Circuit Court, in equity, accompanied by a bond to be approved by the register, within fifteen (15) days after notice to the applicant or licensee of the Board's decision. Such petition shall be styled in the name of applicant or licensee as complainant against the Commissioner, as respondent, and shall set forth the action complained of and pray its reversal. It shall be the duty of the Commissioner to enter his appearance within twenty (20) days after

said petition is served upon him. The cause shall be heard de novo by the court and it shall be determined from the evidence whether the denial or revocation of the license is, or is not, justified under the provisions of this Act, and decision shall be accordingly rendered, subject to the right of appeal, which shall lie as in other civil cases, which decision shall be binding upon the parties. All appeal rights provided herein shall not suspend the action of the Commissioner in the revocation or denial of a license.

Section 4. (a) No license as required hereunder shall be issued or renewed until the applicant therefor shall make, execute and thereafter maintain on file with the Commissioner a bond or a bond equivalent as hereinafter provided in favor of the State of Alabama or a trustee to be approved by the Commissioner to secure the performance of obligations incurred in the State of Alabama and the payment thereof to persons from whom such dealer purchases livestock. Except as hereinafter otherwise provided, the amount of each bond shall be not less than the next multiple of Two Thousand Dollars (\$2,000.00) above the average amount of purchases of livestock purchased either as a dealer or on an agency basis in Alabama during a period equivalent to two business days based on the total number of business days, and the total amount of such transactions during the preceding twelve (12) months or in such substantial part thereof in which applicant did business. For the purpose of this computation 260 shall be deemed the number of business days in any year. Provided, that bonds above \$26,000.00 shall be not less than the next multiple of \$5,000.00 above the average amount of livestock purchased either as a dealer or on an agency basis in Alabama, computed as set out above. When the amount of a bond, calculated as herein required, exceeds Fifty Thousand Dollars (\$50,000.00), the amount of the bond shall not exceed Fifty Thousand Dollars (\$50,000.00) plus 10% of the excess, unless the Commissioner has reason to believe that a bond in such amount is inadequate because of the volume of business conducted on a seasonal or otherwise irregular basis in which event the Commissioner shall determine and specify the amount of the bond to be required.

(b) In no case shall a bond covering the buying operations of a dealer be less than Ten Thousand (\$10,000) Dollars.

(c) If the applicant is a successor in business to a dealer subject to the requirements hereof, the bond of such applicant shall be in an amount not less than that required of the prior dealer, unless the Commissioner finds that the amount of such a bond will be excessive and unnecessary. If the applicant has not been previously engaged in the business of a dealer subject to the requirements hereof, the bond of such applicant shall be in an amount equivalent to the estimated value of livestock purchases which it is anticipated such applicant will make during any two business days during the succeeding twelve (12) months;

provided, however, that the amount of such bond shall be subject to adjustment from time to time in accordance with the provision of subsection (e) hereunder.

(d) Bonds as herein required shall be conditioned that the dealer or principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased in the State of Alabama by said dealer-principal for his own account or for the accounts of others, and that the said principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the account of others. Bonds herein required shall be written by a Surety Company qualified to do business in Alabama. Any person having a cause of action against a dealer for breach of the condition of the bond may bring suit against the principal and surety of such bond in any court of competent jurisdiction for recovery of the loss resulting from such breach of the condition of the bond; provided, however, that the aggregate liability of the surety for all such losses shall not exceed the amount of the bond. The bond shall contain a provision requiring not less than fifteen (15) days written notice to the Commissioner by the party terminating such bond in order to effect its termination.

(e) Whenever the Commissioner finds that any bond required under this Act is inadequate, such bond, upon notice from the Commissioner, shall be increased to meet the requirements of this section or in like manner, may be reduced if found to be in excess of the requirements of this section; provided, however, that the amount of such bond shall not be increased or reduced by the Commissioner nor shall the amount of any bond be increased under authority of Section 4 (a) of this Act unless and until the State Board of Agriculture and Industries adopts and promulgates rules and regulations prescribing the conditions under which bond increases or reductions will be required by the Commissioner. Such rules and regulations shall prescribe a uniform method and procedure to be followed by the Commissioner in determining the amount of any bond increases or reductions that may be ordered by the Commissioner because of being inadequate or excessive. All such bond increases and reductions as ordered by the Commissioner as authorized hereunder shall be reviewed by the Board at its next quarterly or special call meeting for the purpose of determining whether the action of the Commissioner in requiring an increase or reduction in the amount thereof is in compliance with the rules and regulations as prescribed by the said Board for this purpose.

(f) A bond equivalent may be filed or maintained in lieu of a bond. A bond equivalent shall be in the form of a trust fund agreement based upon cash or fully negotiable bonds of the United States Government or of the State of Alabama. All pro-

visions of this Act relating to making, executing, filing and maintaining bonds on file with the Commissioner shall be applicable to such trust fund agreements.

(g) Every person engaged in the business of a dealer as hereinabove defined shall furnish annually and at such other times as the Commissioner may designate or request verified financial statements and reports showing the volume and value of livestock purchased in Alabama and the names and addresses of all employees authorized to purchase livestock for such person, shall keep such books and records as the Commissioner may require as being reasonably necessary to carry out the provisions and requirements of this section, and the Commissioner or his duly authorized agent or agents shall have access to such books and records during the regular business hours of any business day for the purpose of examination, inspection, audit or investigation of such dealer's operations. Any person who submits false information in making any report required hereunder or who refuses the Commissioner or his authorized agent access to such books and records as are required to be kept hereunder shall be subject to the provisions of Section 8 hereunder.

(h) Every person engaged in the business of a dealer as hereinabove defined shall make full payment of the amount of each purchase of livestock to the person from whom such purchase was made not later than the close of the next business day following the date of such purchase.

Section 5. The Commissioner is hereby authorized to accept a bond made by any dealer pursuant to the bonding requirements of the United States Packers and Stockyards Act, 1921, as amended, and any dealer presenting such a bond shall be deemed to have complied with the bonding provisions of Section 4 of this Act, provided the amount of such bond equals or is greater than the amount required in said Section 4. If the amount of such bond does not satisfy the requirements of said Section 4, such bond shall be increased to such amount as will satisfy the requirements of said Section, prior to issuance of a license to such dealer. Any dealer not required to file and maintain a bond or a bond equivalent pursuant to requirements of the United States Packers and Stockyards Act, 1921, as amended, shall be required to file and maintain a bond for the amount as set forth under Section 4 hereof.

Section 6. The provisions of this Act shall not apply to purchases of livestock bought by bona fide farmers or stockmen for grazing, feeding, dairying or breeding purposes when such livestock is held and kept for such purposes during a period of fifteen (15) days or more.

Section 7. The Commissioner with the approval of the State Board of Agriculture and Industries is hereby authorized to

promulgate such rules and regulations as may be necessary to carry out the evident intent and purposes of this Act.

Section 8. (a) Any person who shall engage in business as a dealer as defined in this Act without having a license as required by this Act or any person who shall violate any of the other requirements of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law for such offense.

(b) In addition to the penalty provided hereunder and notwithstanding the existence of an adequate remedy at law, the Commissioner may apply by a bill in equity to a circuit court or court of like jurisdiction and such court, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from engaging in the business of a dealer as hereinabove defined, in violation of any of the requirements of this Act, or engaging in or continuing to engage in such business without having a license required by this Act or after such license has been revoked in accordance with the provisions of this Act. Any restraining order or injunction issued hereunder shall be issued without bond.

Section 9. The provisions of this Act are severable. If any part of this Act shall for any reason be declared invalid or unconstitutional such declaration shall not invalidate, impair or otherwise affect the part of this Act which remains.

Section 10. All laws, or parts of laws, in conflict herewith are hereby repealed; provided, however, none of the provisions of this Act shall be construed to repeal, amend, modify or otherwise change the provisions and requirements of Sections 384-394 of Title 2 of the Code of Alabama of 1940, as amended, as it is hereby intended that the provisions of this Act are cumulative and supplemental to such other requirements imposed upon live-stock dealers by said statute.

Section 11. This Act shall become effective on January 1, 1970.

Approved August 29, 1969.

Time: 11:52 A. M.

Act No. 569

S. 208—Vacca, Cooper

AN ACT

To promote highway safety; to authorize the director of public safety to enter into agreements with authorities in charge of federal military installations providing for and regulating the reciprocal recognition of point values assessed against drivers of motor vehicles because of violations of motor vehicle and traffic laws under the Traffic Point Systems applicable in the State of Alabama and on such installations.

WHEREAS, Code of Alabama 1940, Title 36, Section 68, authorizes the director of public safety to suspend the driver's license of a driver who is "an habitually reckless or negligent driver of a motor vehicle" or is "an habitual violator of the traffic laws";

WHEREAS, neither said Section 68 nor any other statutes of the state prescribe a standard upon which the director of public safety may base his determination that a driver's license should be suspended on either of the above named grounds;

WHEREAS, for the purpose of providing a uniform system of suspending driver's licenses for the above reasons, the director of public safety and the governor, acting jointly as authorized by Code of Alabama 1940, Title 36, Section 72, have promulgated a rule or regulation adopting the Traffic Point System under which violations of motor vehicle and traffic laws are rated, point values are assigned to the various violations, and a driver's license is suspended for a specified period when the total number of accumulated points against him reaches the prescribed number of points for suspension for such period;

WHEREAS, there are numerous military installations over which the federal government has exclusive jurisdiction to prescribe and enforce motor vehicle and traffic laws, and on many, if not all, of these installations, a point system of rating offenses committed by drivers of motor vehicles, similar to the system inaugurated pursuant to the above-mentioned regulation promulgated by the director of public safety and the governor, is used by the military authorities in charge of such installations in the enforcement of their motor vehicle and traffic regulations and the suspension of the privilege of driving on such installations; and

WHEREAS, highway safety throughout the whole State of Alabama, including the military installations, will be promoted by an arrangement whereby the director of public safety and the authorities in charge of military installations, when determining whether a person is an habitually reckless or negligent driver or a habitual violator of traffic laws and regulations whose driving privileges should be suspended, may give due consideration to all the incidences of reckless or negligent driving and infractions of motor vehicle laws and regulations for which such driver has been penalized, whether such offenses were committed on territory under the jurisdiction of the state or the federal government; now, therefore:

Be It Enacted by the Legislature of Alabama:

Section 1. The director of public safety is hereby authorized to enter into an agreement with the Secretary of Defense of the United States or the duly authorized authorities of any federal military installation relative to the reciprocal recognition of point values assessed against drivers of motor vehicles for certain offenses against motor vehicle and traffic laws, rules and regulations when such point values are to be used in determining whether to revoke the driving privileges or the driver's license of the offender because he is an habitually reckless or negligent driver or is an habitual violator of traffic laws and regulations.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:53 A. M.

Act No. 570

S. 215—McCarley

AN ACT

Relating to retirement systems for certain county employees in all counties having populations of not less than 31,500 nor more than 32,200, according to the most recent federal decennial census; providing further for eligibility for membership in such retirement systems.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 31,500 nor more than 32,200 according to the most recent federal decennial census, in which retirement systems have heretofore been established for certain county employees, all county officers, their deputies and employees shall be eligible for membership in said retirement systems. Any such officer, or deputy officer or employee of such officers shall also become eligible immediately for benefits computed upon the same basis as provided for county employees who became members of the system upon the date of the establishment thereof. All time served by any such officer, deputy or employee of such officer in their respective employments prior to the effective date of this Act shall be deemed continuous service to the county and shall be counted as such when computing benefits based on the number of years of such service.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:54 A. M.

Act No. 571

S. 218—Radney

AN ACT

TO PROVIDE IN ALL COUNTIES HAVING LESS THAN 600,000 POPULATION ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS FOR AN EXPENSE ALLOWANCE FOR EACH COUNTY INFERIOR COURT JUDGE IN THIS STATE WHO IS REQUIRED TO HOLD COURT SESSIONS AT THREE DIF-

FERENT COURT HOUSES IN THE COUNTY; AND PROVIDING FOR THE PAYMENT OF SUCH EXPENSE ALLOWANCE OUT OF THE GENERAL FUND OF SUCH COUNTIES.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the passage and approval of this Act, each of the judges of County Inferior Courts in this state who are required to hold court sessions at three different court houses in any county having less than 600,000 population according to the last or any subsequent federal decennial census shall receive an additional expense allowance for the purpose of defraying expenses in the performance of their official duties in the amount of \$2400.00 per annum to be paid monthly from the general fund of the county. The expense allowance herein provided for shall be in addition to all other compensation and allowances now authorized by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:55 A. M.

Act No. 572

S. 286—Pierce

AN ACT

To repeal Act No. 293, H. 35, approved July 26, 1951, an act imposing extra, new and additional duties upon the commissioner of agriculture and industries in relation to or connected with the department of corrections and institutions, eleemosynary institutions, and the state highway department (Acts 1950-51, v. 1, p. 585).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 293, H. 35, approved July 26, 1951, entitled "An Act To Impose extra, new and additional duties upon the Commissioner of Agriculture and Industries of Alabama; to provide additional compensation for the performance of the extra, new and additional duties hereby imposed upon the Commissioner of Agriculture and Industries and to provide for the appropriation and payment of such additional compensation" (Acts 1950-1951, v. 1, p. 585) is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 11:56 A. M.

Act No. 573 S. 311—Folsom, Branyon, Lolley, Oden, Torbert

AN ACT

To make an appropriation to the Department of Agriculture and Industries for the two fiscal years ending September 30, 1970 and September 30, 1971, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera.

Be It Enacted by the Legislature of Alabama:

Section 1. For each of the two fiscal years ending September 30, 1970 and September 30, 1971, there is hereby appropriated to the Department of Agriculture and Industries out of any monies in the State Treasury not otherwise appropriated the sum of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, during each of the said two fiscal years, which said sum shall be used and expended by said Department for the purpose of paying and indemnifying the owners of swine for the value of any swine ordered and directed to be condemned and destroyed by the Commissioner of Agriculture and Industries or the State Veterinarian for the purpose of arresting, eradicating and preventing the spread of hog cholera disease. The amount of any payments to owners of swine from the appropriation herein made shall be determined pursuant to the procedure and method set forth under Sections 17-26 of Act No. 694, Legislature of 1947, approved October 9, 1947, (Sections 383(17)-(26) of Title 2, Code of Alabama, Recompiled, 1958).

Section 2. The appropriation herein made shall be conditioned upon the condition of the General Fund and with the approval of the Governor.

Section 3. This Act shall become effective immediately upon October 1, 1969.

Approved August 29, 1969.

Time: 11:57 A. M.

Act No. 574

S. 448—Clark

AN ACT

To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Sections 14, 15, 22, and 23, Township 8 North, Range 25 East, Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Blue Springs, in Barbour County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate

limits of said town certain additional territory lying within the following described boundaries, to-wit:

Commence at the Northwest corner of the existing North and West boundaries of the corporate limits of the Town of Blue Springs, and thence run due West along the quarter section lines to the Northwest corner of the Southeast Quarter of the Northeast Quarter, Section 15, Township 8 North, Range 25 East; thence run due South along the quarter section lines for a distance of 7920 feet, more or less, to the Southwest corner of the Northeast Quarter of Southeast Quarter, Section 22, Township 8 North, Range 25 East; thence run due East along the quarter section lines to the Southwest Corner of the existing South and West boundaries of the corporate limits of the Town of Blue Springs; and thence run in a Northerly direction along the existing Western boundary of the corporate limits of the Town of Blue Springs for a distance of 7920 feet, more or less, to the point of beginning.

Section 2. The provisions of this Act shall become operative only if the Act is approved by a majority of the qualified electors of Barbour County owning property within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Blue Springs, voting in a referendum election, which election may be called for such a day as may be designated by a resolution of the governing body of the Town of Blue Springs, but such day may not be less than 30 nor more than 180 days from the date of this enactment. Notice of the election shall be given by the Mayor of Blue Springs by publication in the Clayton Record once per week for three consecutive weeks preceding said election. Such notice shall contain a description of the territory to be annexed and a list of the qualified electors of Barbour County owning property within such territory, shall state that said list will be corrected by the Mayor on proper proof made to him by deed or affidavit, and shall state the day on which the election shall be held, and the voting place designated, and shall state that maps of such territory are on file and open to public inspection in the Office of the Judge of Probate in Clayton and in the office of the Mayor in Blue Springs.

"The Town Governing Body shall appoint as many election officials from among the qualified electors owning property within the territory to be annexed as are prescribed by law for holding municipal elections; said officials shall manage the election, and tabulate the votes. The election shall be held and conducted in all respects as provided by the general laws governing municipal elections and under the same sanctions and penalties except as modified in this Act. The tax assessor of Barbour County shall, at the request of the Mayor of Blue Springs, furnish said Mayor a list of the property owners in the territory to be annexed, and the Mayor shall, on proper proof made to him by

deed or affidavit, add to or delete names from such list to correct it. The Probate Judge of Barbour County shall, at the request of the Mayor of Blue Springs, certify which of such property owners are qualified electors of Barbour County. The Town of Blue Springs shall pay all costs and expenses incident to the election, including rental of voting machines which are hereby ordered to be used. The governing body shall cause to be prepared for the election, supplies necessary for holding the election. The question shall be: 'Do you favor annexation of the territory described in the notice of this election to the Town of Blue Springs in accordance with the provisions of Act No. _____ enacted by the 1969 Legislature? Yes () No ().'

"The election officials must, as soon as the polls are closed, tabulate the votes and certify the results thereof to the Mayor of the Town of Blue Springs. The Mayor shall canvass the return and certify the results to the governing body of the municipality and to the Probate Judge of Barbour County. If a majority of the qualified electors voting in the election vote in favor of annexation the Judge of Probate shall make and enter an order on the records of the Probate Court adjudging and decreeing the corporate limits of the Town of Blue Springs to extend so as to embrace the territory hereinabove described. If a majority of the qualified electors voting in the election vote against annexation, this Act shall have no further effect. The Mayor of the Town of Blue Springs shall certify the results of the election to the Secretary of State within sixty days after the election."

Approved August 29, 1969.

Time: 11:58 A. M.

Act No. 575

S. 449—Clark

AN ACT

To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Blue Springs, in Barbour County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said town certain additional territory lying within the following described boundaries, to-wit:

Commence at the Northwest corner of the Southeast Quarter of Northeast Quarter, Section 14, Township 8 North, Range 25 East and thence run due East along the quarter section lines for a distance of 6600 feet to the Northeast corner of the Southeast

Quarter of Northeast Quarter, Section 13, Township 8 North, Range 25 East; thence run due South along the Eastern Boundary of Range 25 a distance of 7920 feet to the Southeast corner of the Northeast Quarter of Southeast Quarter, Section 24, Township 8 North, Range 25 East; thence run due West along the quarter section lines for a distance of 6600 feet to the Southwest corner of the Northeast Quarter of the Southeast Quarter, Section 23, Township 8 North, Range 25 East; and thence run due North along the quarter section lines for a distance of 7920 feet to the point of beginning, being the Northwest corner of the Southeast Quarter of Northeast Quarter, Section 14, Township 8 North, Range 25 East.

Section 2. The provisions of this Act shall become operative only if the Act is approved by a majority of the qualified electors of Barbour County owning property within that part of the territory hereinabove described which is not presently included within the corporate limits of the Town of Blue Springs, voting in a referendum election, which election may be called for such a day as may be designated by a resolution of the governing body of the Town of Blue Springs, but such day may not be less than 30 nor more than 180 days from the date of this enactment. Notice of the election shall be given by the Mayor of Blue Springs by publication in the Clayton Record once per week for three consecutive weeks preceding said election. Such notice shall contain a description of the territory to be annexed and a list of the qualified electors of Barbour County owning property within such territory, shall state that said list will be corrected by the Mayor on proper proof made to him by deed or affidavit, and shall state the day on which the election shall be held, and the voting place designated, and shall state that maps of such territory are on file and open to public inspection in the Office of the Judge of Probate in Clayton and in the office of the Mayor in Blue Springs.

The Town Governing Body shall appoint as many election officials from among the qualified electors owning property within the territory to be annexed as are prescribed by law for holding municipal elections; said officials shall manage the election, and tabulate the votes. The election shall be held and conducted in all respects as provided by the general laws governing municipal elections and under the same sanctions and penalties except as modified in this Act. The tax assessor of Barbour County shall, at the request of the Mayor of Blue Springs, furnish said Mayor a list of the property owners in the territory to be annexed, and the Mayor shall, on proper proof made to him by deed or affidavit, add to or delete names from such list to correct it. The Probate Judge of Barbour County shall, at the request of the Mayor of Blue Springs, certify which of such property owners are qualified electors of Barbour County. The Town of Blue Springs shall pay all costs and expenses incident to the

election, including rental of voting machines which are hereby ordered to be used. The governing body shall cause to be prepared for the election, supplies necessary for holding the election. The question shall be: 'Do you favor annexation of the territory described in the notice of this election to the Town of Blue Springs in accordance with the provisions of Act No. _____ enacted by the 1969 Legislature? Yes () No ().'

The election officials must, as soon as the polls are closed, tabulate the votes and certify the results thereof to the Mayor of the Town of Blue Springs. The Mayor shall canvass the return and certify the results to the governing body of the municipality and to the Probate Judge of Barbour County. If a majority of the qualified electors voting in the election vote in favor of annexation the Judge of Probate shall make and enter an order on the records of the Probate Court adjudging and decreeing the corporate limits of the Town of Blue Springs to extend so as to embrace the territory hereinabove described. If a majority of the qualified electors voting in the election vote against annexation, this Act shall have no further effect. The Mayor of the Town of Blue Springs shall certify the results of the election to the Secretary of State within sixty days after the election.

Approved August 29, 1969.

Time: 11:59 A. M.

Act No. 576

S. 538—Harris

AN ACT

Relating to all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, providing further for the expense allowances of the members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, the members of the County governing body shall each be entitled to receive in addition to their salaries an expense allowance of \$4,200 dollars per year. Such expense allowance shall be in addition to all authorized reimbursements for actual expenses for travel on official business outside the county. Such proportionate part of the expense allowance provided herein as is commensurate with the expenses incurred or time consumed in the discharge of duties respecting roads and bridges shall be paid out of the gasoline tax fund of the county and the remainder shall be paid out of the general fund of the county, as provided in Code of Alabama 1940, Title 12, Section 28, as amended.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the first month next following the date of its enactment.

Approved August 29, 1969.

Time: 12:00 Noon.

Act No. 577

S. 539—Harris

AN ACT

Relating to all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, providing further for the expense allowances of the chairman of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census, the chairman of the county governing body shall be entitled to receive in addition to his salary an expense allowance of \$4,900 dollars per year. Such expense allowance shall be in addition to all authorized reimbursements for actual expenses for travel on official business outside the county. Such proportionate part of the expense allowance provided herein as is commensurate with the expenses incurred or time consumed in the discharge of duties respecting roads and bridges shall be paid out of the gasoline tax fund of the county and the remainder shall be paid out of the general fund of the county, as provided in Code of Alabama 1940, Title 12, Section 28, as amended.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on the first day of the first month next following the date of its enactment.

Approved August 29, 1969.

Time: 12:01 P. M.

Act No. 578

S. 544—Harris

AN ACT

To fix expense allowances of courts of county commissioners, boards of revenue or like governing bodies of all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, with retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 or more than 61,000 according to the most recent federal decennial census, each member of the governing body, including the chairman, shall be reimbursed for actual expenses while out of the county in performance of his duty.

Section 2. The provisions of this act shall be retroactive to September 1, 1967.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:05 P. M.

Act No. 579

S. 572—Folsom

AN ACT

To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Good Hope, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Good Hope, Alabama, and in addition thereto the following described territory, to-wit:

TRACT I

The Southwest Quarter of the Southeast Quarter, Section 29, Township 10 South, Range 3 West.

ALSO: The North One-Half of the Northeast Quarter, Section 32, Township 10 South, Range 3 West.

TRACT II

The Southwest Quarter of the Southeast Quarter of Section 32, Township 10 South, Range 3 West.

TRACT III

The Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 33, Township 10 South, Range 3 West.

TRACT IV

The Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 5, Township 11 South, Range 3 West.

TRACT V

The East Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 8, Township 11 South, Range 3 West.

TRACT VI

The Southwest Quarter of the Southwest Quarter of Section 8, Township 11 South, Range 3 West.

ALSO: The South one-Half of the Southeast Quarter of the Southeast Quarter of Section 7, Township 11 South, Range 3 West.

TRACT VII

The Northeast Quarter and the East One-Half of the Southeast Quarter of the Northwest Quarter in Section 17, Township 11 South, Range 3 West.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:06 P. M.

Act No. 580

S. 573—Pierce, Goodwyn

AN ACT

To amend the title and Sections 1, 2, 3, 4 and 5 of Act No. 481, H. 872, Regular Session 1961 (Acts 1961, p. 540) which act authorizes the establishment of a recreation board in all cities having a population of as many as 100,000 and not more than 200,000 people according to the last or any subsequent decennial federal census and provides for the appointment, duties, powers and authority of said board and that of any such municipality with respect to furnishing recreational facilities independently or jointly with the county or city or county school board, so as to include parks within the purview of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Sections 1, 2, 3, 4 and 5 of Act No. 481, H. 872, Regular Session 1961 (Acts 1961, p. 540) relating to the establishment of recreation boards in cities having populations of not less than 100,000 nor more than 200,000 according to the last or any subsequent federal decennial census for the purpose of providing recreational facilities in such cities are amended to read as follows:

"An Act To authorize the governing body of any municipality in the State of Alabama having a population of as many as 100,000 and not more than 200,000 people, according to the last or any subsequent decennial Federal Census, to provide park and recreational facilities and services for such city; to provide for the creation, establishment, maintenance and support of a park and recreation board in any such municipality; to provide for the appointment of such board and to define its duties and powers, and the powers and authority of any such municipality with respect to furnishing park and recreational facilities, independently or jointly with the county or city or county school board.

"Section 1. The governing body of any municipality in the State of Alabama having a population of as many as 100,000 people and not more than 200,000 people according to the 1960 or any succeeding regular decennial Federal Census, may, by resolution or ordinance duly recorded in its minutes, create a park and recreation board in the manner herein provided.

"Section 2. Each park and recreation board created hereunder shall consist of five members selected by the municipal governing body from residents of said municipality who have recognized interests in park and recreational activities. Members of the park and recreation board first shall be appointed as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. As the terms of members expire, their successors shall be selected for terms of five years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The park and recreation board shall elect from its membership a chairman and secretary, and such other officers as it deems necessary, to serve at its pleasure. The board shall adopt rules and regulations covering the procedures of the board and the use of lands, buildings, equipment and other facilities under its jurisdiction. Members of the board shall serve without compensation.

"Section 3. The park and recreation board may, with the approval of the governing body of such municipality, and subject to any civil service or merit system law now or hereafter in effect in such city, employ a director of parks and recreation to be its executive officer, and such staff and employees as may be

necessary to carry into effect the park and recreation program determined by the board. The salaries of the director and the staff and employees shall be fixed by the board, and the tenure of the director and the staff and employees shall be at the pleasure of the board, all subject, however, to the approval of the governing body of such municipality and also subject to any civil service or merit system law now or hereafter in effect in any such city. Except as herein otherwise provided, all employees of the board shall in all respects be considered as employees of the municipality and subject to all the laws, rules, regulations and restrictions affecting employees of the municipality and entitled to all benefits, rights and privileges accorded employees of the municipality.

"Section 4. The park and recreation board shall be responsible for the direction, supervision, and promotion of such park and recreation programs as will contribute to the general welfare of the residents of such municipality. The board shall have control over all lands, buildings, equipment, and other facilities assigned for park and recreational purposes to the board by the municipal governing body. The board shall cooperate with local agencies and state and federal agencies for the purpose of maintaining and improving park and recreational services and facilities for such municipality. The board shall have power to accept financial and other aid and grants from any public or private agency.

"Section 5. The governing body of such municipality may make appropriations from municipal general funds to the park and recreation board for the support and maintenance of the board in carrying out a park and recreational program. The governing body of such municipality may designate for use as parks, playgrounds and recreation centers and facilities any lands, buildings or equipment owned by, leased by, or loaned to such municipality. The governing body of such municipality may improve and equip or appropriate funds to the board for improving and equipping the lands and buildings for park and recreational purposes, and may acquire lands, buildings, facilities, supplies and equipment for park and recreational purposes by means of purchase, lease, loan, gift or condemnation procedure, and shall have power to accept financial and other aid and grants for park and recreational purposes from any public or private agency. Any such municipality may, through the park and recreation board, or independently, join with the county in which it is located or with the city or county school board, in acquiring, improving or maintaining property for park and recreational purposes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:07 P. M.

Act No. 581

S. 624—Skidmore

AN ACT

Relating to counties having a population of not less than 100,000 nor more than 115,000; providing expense allowances for certain officers in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 100,000 nor more than 115,000, according to the most recent federal decennial census, expense allowances for the following officers in such counties shall be as follows:

(a) For the probate judge an amount which will increase his total annual compensation to \$15,000.

(b) For each member of the board of revenue or other like governing body, an amount which will increase the total annual compensation of each member to \$6,600.

(c) For the sheriff, an amount which will increase his total annual compensation to \$13,500.

(d) For the tax collector, tax assessor and circuit clerk, an amount which will increase the total annual compensation of each such officer to \$12,000.

(e) For the county judge, an amount which will increase his total annual compensation to \$15,000.

The expense allowances provided herein shall be paid in equal monthly installments from the general funds of the county, and shall terminate at the expiration of the current term of each officer named herein.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:08 P. M.

Act No. 582

S. 638—Harris

AN ACT

To amend further Act No. 355, H. 757, Regular Session 1953, (Acts 1953, p. 423), which relates to the office of sheriff of Limestone County so as to delete from said act the requirement that the county furnish the sheriff a house in which to reside during his term of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 355, H. 757, Regular Session 1953, (Acts 1953, p. 423) which relates to the office of sheriff of Limestone County is hereby amended to read as follows:

"Section 1. The sheriff of Limestone County shall be compensated on a fee basis and shall be entitled to all fees, percentages, and allowances provided for sheriffs under the general laws of the State of Alabama."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:10 P. M.

Act No. 583

S. 647—Adams

AN ACT

To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census.

Section 2. On or after September 1st of each year, the judge of probate of each such county may, if he elects to do so, mail an application in the form and containing the information herein-after provided to all owners of motor vehicles listed as such in the motor vehicle license records (including transfers) in his office or, at his option, to such owners as request that such application be mailed to them.

Section 3. The application shall be on a form to be provided by the state department of revenue. The application form shall contain a space for the name and address of the owner of the motor vehicle and the make, model, year and motor number of his motor vehicle and such other information with respect thereto as the state department of revenue may prescribe. The application form shall also contain a space for the correct amount of

ad valorem taxes (state, county, school districts and municipal) and the amount of the motor vehicle license tax due thereon and the issuance fee, including the mailing fee provided for by this Act. The application form shall also contain a space for the owner to fill in his present address, if different from that shown in the application form, and a space for his signature.

Section 4. At the request of the judge of probate of the county, the tax assessor shall cause the application form to be filled in with the name and address of the owner, the description of the motor vehicle and the license tax and fees to become due on November 15 succeeding, as shown on the license registration and transfer records in his office. The tax assessor shall cause to be correctly filled in thereon the amount of ad valorem taxes on said motor vehicle for the preceding tax year as provided by Title 51, Section 704, Code of Alabama of 1940. The judge of probate shall thereupon cause the application, so filled in, to be mailed to the owner of the motor vehicle at his address shown thereon or at the address to which such owner requests that the application form be mailed.

Section 5. The owner of the motor vehicle shall, if he is still the owner of the motor vehicle and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, sign the application form, indicating thereon any change of address, and return the same by mail together with his remittance for ad valorem taxes, license taxes and fees as shown thereon to the judge of probate. Money orders for the payment of such taxes and fees shall be made payable to the judge of probate. Upon receipt of the signed application form and the remittance for the amount properly due for ad valorem taxes, license tax and fees, the judge of probate shall pay over to the tax collector the amount of ad valorem taxes. The tax collector shall verify the correctness of ad valorem taxes paid. The judge of probate shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof.

Section 6. When an application is returned to the judge of probate unsigned or when less than the correct amount of the taxes and fees due therefor has been paid, due to a change of address or other causes, such application shall be returned to the owner for correction or for signature. A return of such application or remittance shall not, however, extend the time within which taxes may be paid or a tag secured. If more than the correct amount of taxes and fees is received, the judge of probate shall retain the correct amount of taxes and fees and return the excess together with the tag for the motor vehicle.

Section 7. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by

the judge of probate on or before November 10th preceding the November 15th on which the motor vehicle license tag is due and payable, and the judge of probate shall mail such tag on or before November 14th preceding such November 15th.

Section 8. The judge of probate shall charge and collect an additional fee of one dollar for each motor vehicle license tag issued by mail. This fee shall be paid with the mailed request for license tags. Such additional fee shall be paid by the judge of probate into the county treasury and the actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided shall be paid from the county treasury upon warrant signed by the judge of probate and approved as provided by law.

Section 9. All the forms necessary in the administration of this Act shall be furnished by the state department of revenue.

Section 10. The procedure authorized by this Act for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person without the payment of any of the additional fees hereinabove provided. No judge of probate shall be required to collect taxes and issue license tags by mail unless he elects so to do.

Section 11. In each county to which this Act applies in which motor vehicles are assessed for ad valorem taxes and the motor vehicle license taxes are paid to and tags issued by a commissioner of licenses or other like officer or officers, such commissioner of licenses or other officer or officers shall have the rights and options and perform the respective duties imposed by this Act upon the judge of probate, tax assessor and tax collector.

Approved August 29, 1969.

Time: 12:11 P. M.

Act No. 584

S. 676—Jackson

AN ACT

To require the teaching of Bible history in all public high schools in counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to provide for instructors of such courses; to repeal conflicting laws and specifically to repeal and supersede conflicting provisions of Sections 322 and 408 of Title 52, Code of Alabama 1940, as amended to the extent of such conflict as to all counties to which this act applies.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census, Bible history shall be offered as an elective course in all high schools of the public school systems in such counties.

Section 2. Instructors in Bible history shall not be required to hold a certificate to teach provided such instructor is a local minister or parttime local minister who offers proof satisfactory to the board of education having jurisdiction of such schools that he is a graduate of a theological college or seminary.

Section 3. All laws and parts of laws in conflict with this act are hereby repealed and the provisions of Section 322 and Section 408 of Title 52, Code of Alabama 1940, as amended in conflict herewith are repealed and superseded to the extent of such conflict in all counties to which this act applies.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:12 P. M.

Act No. 585

S. 691—Leonard

AN ACT

TO EXTEND, ALTER AND REARRANGE THE BOUNDARY LINES AND CORPORATE LIMITS OF THE TOWN OF LINCOLN, TALLADEGA COUNTY, ALABAMA:

Be It Enacted by the Legislature of Alabama:

Section 1: That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be, and the same are hereby, extended, altered and rearranged so as to include within the corporate limits of said Town all of the following described territory:

All of the East Half ($E\frac{1}{2}$), the East Half of East Half of West Half ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $W\frac{1}{2}$), the South Three-Fourths of the West Half of Southeast Quarter of Southwest Quarter ($S\frac{3}{4}$ of $W\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$), and the South Three-Fourths of the Southwest Quarter of Southwest Quarter ($S\frac{3}{4}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 21; the West Half ($W\frac{1}{2}$) of Section 22; the West Half ($W\frac{1}{2}$) of Section 27; all of Section 28; the West Half ($W\frac{1}{2}$) of Section

34; all of Section 33; and the portions of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) and Fraction "A" of Section 32 that are easterly of the westerly right-of-way line of the old Talladega-Lincoln Highway (1928-33) and northerly of U. S. Interstate 20 Highway right-of-way, all in Township 16 South, Range 5 East, Talladega County, Alabama; also the North Half ($N\frac{1}{2}$) and West Half of North Half of South Half ($W\frac{1}{2}$ of $N\frac{1}{2}$ of $S\frac{1}{2}$) of Section 4; and the East Half of the East Half of the East Half of the Northeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $E\frac{1}{2}$ of $NE\frac{1}{4}$) and the East Half of the East Half of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 5, all in Township 17 South, Range 5 East, Talladega County, Alabama.

Section 2: All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3: This Act shall be effective upon its publication and approval by the Legislature or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:13 P. M.

Act No. 586

S. 693—Goodwyn, Pierce

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 23, 25, 26 and 35, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at a point on the North line of Section 35, T16N, R18E, Montgomery County, Alabama. Said point lying 300' east of, measured perpendicular to the east right-of-way line of the Eastern By-Pass; thence southwesterly, parallel with the said east right-of-way line of the Eastern By-Pass and along the existing City Limits line to the west line of the northeast $\frac{1}{4}$ section 35, T16N, R18E; thence $S\ 03^{\circ}24'\ E$ along the west line of the northeast quarter of said Section 35 to the northeasterly right-of-way of the Central of Georgia Railroad; thence $S\ 47^{\circ}22'\ E$ along the northeasterly right-of-way of the Central of Georgia a distance of 769.17 feet to the south line of the northeast quarter of said

Section 35; thence N 87°05' E along the south line of the northeast quarter of said Section 35 a distance of 2124.24 feet to the southeast corner of the northeast quarter of said Section 35; thence N 01°49' W along the east line of said Section 35 a distance of 2634.48 feet to the common corner of Section 25, 26, 35 & 36 T16N, R18E; thence N 86°16' E along the south line of said Section 25 a distance of 2232.0 feet; thence N 03°33' W a distance of 3989.0 feet more or less to the south right-of-way line of the Vaughn Road; thence northwesterly along the south right-of-way of the Vaughn Road to the northeast corner of the Plat of Green Acres, Plat No. 1 as the same is filed for record in the office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 13, Page 163; thence south along the east line of said plat of Green Acres No. 1 to the southeast corner thereof, also being a point on the ½ Section line running north and south through the center of Section 26, T16N, R18E; thence south along said ½ section line to the north line of Section 35, T16N, R18E, thence east along the north line of said Section 35 to the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:14 P. M.

Act No. 587

S. 694—Goodwyn, Pierce

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 1, Township 16 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at the northeast corner of Section 1, T16N, R18E; thence west from the point of beginning along the north line of said Section 1 to the easterly right of way of the Eastern By-Pass; thence southeasterly along the easterly right of way of the Eastern By-Pass to the southerly right of way of the Seaboard Coast Line Railroad right of way; thence southeasterly along the said southerly right of way to the east line of said Section 1; thence northerly along the east line of said Section 1 to the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:15 P. M.

Act No. 588

S. 695—Goodwyn, Pierce

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 27 and 28, Township 16 North, Range 17 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

To reach the point of beginning, from the southwest corner of Section 27, T16N, R17E run northerly along the west line of said Section 27 to the northwest corner of the southwest quarter of said Section 27, this being the point of beginning, thence S 89° 13' E along the north line of the southwest quarter of said Section 27 a distance of 1313.3 feet more or less to the northeast corner of the west half of the southwest quarter of said Section 27, thence S 0°28' W along the east line of the west half of the southwest quarter of said Section 27 a distance of 1859.6 feet more or less, to the intersection of the northly right of way of U. S. Highway 31 (West Boulevard), thence northwesterly along the northerly right of way of U. S. Highway 31 (West Boulevard), to the north line of the southwest quarter of Section 28, T16N, R17E, thence southerly along the north line of the southeast quarter of said Section 28 to the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:16 P. M.

Act No. 589

S. 696—Goodwyn, Pierce

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Section 31, Township 16 North, Range 18 East, Montgomery, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City certain additional territory lying within the following described boundaries, to-wit:

Beginning at a point on the east right of way line of Norman Bridge Road, said point lying 485 feet north of the eastern extension of the north right of way line of Fleming Road and said point lying on the present City Limits line; thence east and parallel to the north right of way line of Fleming Road and its extension to a point 657.3 feet west of the west line of the east one half of the east one half of Section 31, T16N, R18E; thence S-30°-31'-W a distance of 129.2 feet to a point; thence S-47°-13'-W a distance of 52.2 feet to a point; thence S-30°-31'-W a distance of 150 feet to a point; thence S-59°-29'-E a distance of 320 feet to a point; thence S-30°-12'-E a distance of 68.9 feet to a point; thence S-03°-46'-E a distance of 350 feet to a point; thence west along the north line of Plat No. 9, Sunshine Acres, as filed for record in the Office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 18, on Page 53 and also along the north line of Plat No. 11, Sunshine Acres, as filed for record in the office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 19, on Page 9, to the northwest corner of said Plat No. 11; thence south along the west line of said Plat No. 11 to the southwest corner thereof; thence east along the south line of said Plat No. 11 and said Plat No. 9 to west line of the east one half of the east one half of Section 31, T16N, R18E; thence southerly along the west line of the east one half of the east one half of said Section 31 to the south line of said Section 31; thence westerly along the south line of said Section 31 to the easterly right of way of Norman Bridge Road; thence northerly along the easterly right of way of Norman Bridge Road to the point of beginning.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:16 P. M.

To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 40,000 nor more than 45,000 according to the last or any succeeding federal decennial census, the coroner shall be entitled to an allowance of not more than \$150.00 per month for expenses incurred in and about the performance of the duties of his office. The amount of such allowance shall be determined by the county governing body and shall be paid at the end of each month from any funds in the county treasury not otherwise appropriated. The allowance shall be in addition to all compensation, fees, and allowances heretofore provided by law.

Section 2. This act is cumulative and shall take effect immediately upon its enactment.

Approved August 29, 1969.

Time: 12:17 P. M.

Act No. 591

S. 698—Folsom

AN ACT

To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act relating to the Cullman County sales and use tax law, is amended to read as follows:

“Section 7. The state department of revenue shall charge Cullman County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenues and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Cullman County for that month. The Commissioner of Revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes

are received by the department of Revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him in to the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Cullman County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public school funds for Cullman County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder. The net proceeds derived from the taxes levied by this Act shall be distributed as follows: The custodian of public school funds shall pay annually to the governing body of Cullman County and to the City of Cullman each the sum of \$12,500 which shall be payable at the rate of \$1,000 per month for eleven months and \$1,500 for the twelfth month. Funds payable to the county governing body shall be paid into the county general fund and funds payable to the City of Cullman shall be paid to the city treasurer. Such funds shall be kept separate and apart from other funds and shall be used exclusively for the purpose of promoting industrial development or for recreational purposes. Exclusive of the \$25,000 heretofore allocated to the county governing body of Cullman County and the City of Cullman to be used for the purpose of promoting industrial development or for recreational purposes, the remaining proceeds shall be divided equally between the board of education of Cullman County and the City of Cullman payable on a monthly basis. The board of education's share of the proceeds shall be used exclusively for educational purposes, including transportation, capital outlay, maintenance and upkeep of buildings and current expenses other than teachers' salaries. The city's share of the proceeds other than that

specifically allocated by this Act for the promotion of industrial development and for recreational purposes shall be used for general municipal purposes.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:18 P. M.

Act No. 592

S. 699—Folsom

AN ACT

To amend Section 7 of Act No. 163, H. 168, approved March 30, 1965, an act creating the Cullman County Intermediate Court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 163, H. 168, approved March 30, 1965 (Acts of Alabama, Special Session 1965, v. 1, p. 209), an act creating the Cullman County Intermediate Court, is hereby amended to read as follows:

“Section 7. CRIMINAL PROSECUTIONS. (a) Prosecutions may be commenced in such court, upon sworn complaint made to the judge of the court in whose jurisdiction said offense is alleged to have been committed, which judge shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed in his jurisdiction and there is reasonable cause to believe that the accused is guilty or upon sworn complaint made as prescribed by Code of Alabama of 1958, Title 13, Section 327, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

“(b) The Circuit Solicitor of the Thirty-Second Judicial Circuit and the County Solicitor of Cullman County shall have the power and authority upon sworn complaint on probable cause to issue writs of arrest for offenses allegedly committed in the jurisdiction of the Cullman County Intermediate Court. The Circuit Solicitor is to appear at all preliminary hearings on felonies and the County Solicitor to prosecute all other criminal actions before the court.

“(c) All solicitor’s fees taxed and collected in all criminal cases in the Cullman County Intermediate Court shall be paid into the general fund of the Cullman County Board of Revenue

by the Clerk taxing and collecting same. Also, the clerk of the court shall deduct for the use of the county twenty percent of any sum or sums collected for and remitted to the state."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:20 P. M.

Act No. 593

S. 715—Oden

AN ACT

To amend Sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940, which relate to capital outlay warrants issued by any County Board of Education or City Board of Education, so as to clarify the said sections and so as to revise the provisions thereof as to the maximum interest rate, the maximum net interest cost, and the amount of redemption premiums that are permitted with respect to such warrants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 220 of Title 52 of the Code of Alabama of 1940 shall be and hereby is amended so that the said Section 220 shall read as follows:

Section 220. Call of Warrants. Any board of education issuing warrants hereunder may, if such action shall be deemed advisable by the issuing board, retain in the proceedings authorizing the issuance of such warrants an option to redeem prior to maturity all or any part thereof, as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of such warrants; provided, however, that the redemption price for any warrant redeemed prior to maturity shall not exceed the par value of that warrant plus accrued interest thereon to the date fixed for redemption and plus a premium not exceeding twelve months' interest on such warrant computed at the rate it would by its terms bear on the date fixed for redemption if it had not been called for redemption. Notice of the call for redemption prior to maturity of any warrant issued hereunder shall be given by publication at least once, at least thirty days before the date fixed for redemption, in a newspaper published or circulated in the county and also in a daily newspaper published in Montgomery or Birmingham.

Section 2. Section 221 of Title 52 of the Code of Alabama of 1940 shall be and hereby is amended so that the said Section 221 shall read as follows:

Section 221. Interest Rate. All warrants issued hereunder shall bear interest at not exceeding eight percent per annum payable semiannually; provided, that the first interest payment date may be at any time not later than nine months after the date of issue. If the principal of or interest on any warrant at any time issued hereunder shall not be paid when due, the same shall bear interest after maturity until paid at the rate of eight per cent per annum until paid; provided, that at any time after such principal or interest shall have become past due, the board of education may give notice of its intention to pay the same in whole or in part with interest at a specified time and place by publication at least once at least ten days before the date fixed for such payment in a newspaper published or circulated in the county and also in a daily newspaper published in Montgomery or Birmingham. If such notice shall be duly given and if money to make such payment shall be duly provided, interest on such overdue principal or interest (or the part thereof for payment of which money is so provided) shall cease to accrue on the date fixed for such payment.

Section 3. Section 224 of Title 52 of the Code of Alabama of 1940 shall be and hereby is amended so that the said Section 224 shall read as follows:

Section 224. Sale Price of Warrants. Warrants issued hereunder may be sold at such price or prices as the issuing board of education may deem advisable; provided, that no series of warrants issued hereunder shall be sold at a price resulting in an average annual net interest cost to the issuing board greater than eight percent computed from the date of the warrants to their respective maturities and taking into account any premium or discount reflected in the sale price.

Section 4. This act shall become effective upon its being signed by the Governor or otherwise becoming law.

Approved August 29, 1969.

Time: 12:21 P. M.

Act No. 594

S. 716—Branyon

AN ACT

To apply only in counties having populations of not less than 15,500 nor more than 16,300 according to the most recent federal decennial census, fixing the per diem pay for members of the county board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties of the State of Alabama having populations of not less than 15,500 nor more than 16,300 accord-

ing to the most recent federal decennial census, the members of the board of equalization shall each receive \$15 per day for each day's attendance upon the sessions of the board. The increase in pay provided for by this Act shall be paid from the general funds in the county treasury.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:22 P. M.

Act No. 595

S. 727—O'Bannon

AN ACT

To amend Act No. 113, S. 4, Special Session 1961 (Acts 1961, p. 809) relating to judicial circuits composed of only one county and having populations of not less than 60,500 and not more than 65,000 inhabitants according to the most recent federal decennial census which authorizes the district attorney of said circuit to appoint a stenographic secretary, so as to provide further for the compensation of such secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 113, S. 4, Special Session 1961 (Acts 1961, p. 809) relating to all judicial circuits composed of only one county and having populations of not less than 60,500 nor more than 65,000 inhabitants according to the most recent federal decennial census which authorizes the district attorney of said circuit to appoint a stenographic secretary is hereby amended to read as follows:

"Section 1. In all judicial circuits of the State of Alabama composed of only one county and having populations of not less than 60,500 and not more than 65,000 inhabitants according to the last or any succeeding federal decennial census, the district attorney of said circuit may appoint a stenographic secretary who shall serve at the pleasure of the district attorney and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the district attorney at the sum of not exceeding five hundred dollars (\$500) per month. Said compensation shall be paid in monthly installments out of the general fund of the treasury of the county constituting such circuit at the end of each month, or semi-monthly at the election of said secretary, such payment to be made on certificate issued by the district attorney of such circuit in favor of such secretary for the respective amounts due each month."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:23 P. M.

Act No. 596

S. 779—Jackson

AN ACT

Relating to counties having populations of not less than 33,000 nor more than 35,000 according to the most recent federal decennial census; to authorize and provide for the establishment, maintenance, equipping, operation, and financing of public law libraries; to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within such counties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census, in each civil or quasi-civil action at law, suit in equity, criminal or quasi-criminal case or any other proceeding filed in, arising in, or brought by appeal, certiorari, or otherwise in the circuit courts, inferior courts or other courts in such counties, there shall be taxed as part of the costs the sum of one dollar (\$1). The fees taxed under this act shall be collected as other costs in such cases are collected; and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be paid to the treasurer or depository as herein set forth. The sums so paid over to the county treasury or depository shall be maintained in a separate account in the county treasury or depository designated as the county law library fund. Said funds shall be expended by the judges of the circuit courts of said counties for establishing, maintaining, equipping and operating a law library within such counties. The said judges shall draw warrants on the county treasury or depository in making expenditures for the purposes contemplated in this act and shall indicate on the warrants the fund against which the warrants are drawn. The said items of cost referred to above shall be designated as law library fees; and when any part of the costs in a case has been paid, the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of costs. On or before the tenth day of each month, the clerks or other collecting officers of the courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees prior to the first day of the month. The management of the law library is rested in the judges of the circuit courts in said counties. All books or other property purchased with the funds produced by this act shall be the property of said counties.

Section 2. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:24 P. M.

Act No. 597

S. 815—Radney

AN ACT

To provide for an expense allowance for each of the circuit judges of the Fifth Judicial Circuit and for the payment of such expense allowance out of the general funds of the counties composing such judicial circuit; and to repeal Act No. 174, S. 282 of the Regular Session of 1967 and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Each of the circuit judges of the Fifth Judicial Circuit in this state shall receive an additional expense allowance, for the purpose of defraying expenses in the performance of their official duties, in the amount of \$4,500.00 per annum, to be paid by the counties composing such circuit. The allowance herein provided for shall be paid monthly from the general funds of such counties on a pro rata basis calculated upon the assessed value of taxable property in such counties for the previous fiscal year, as shown by the records in the tax assessors' offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in such county bears to the total assessed value of the property within such judicial circuit. The expense allowance herein provided for shall be in addition to all other compensation paid by the State by way of salary to such judges and also the allowances now authorized by Code of Alabama 1940, Title 13, Section 178 and Act No. 749, S. 469, Regular Session 1957 (Code, Recompiled 1958, Title 13, Section 178(1)).

Section 2. Act No. 174, S. 282 of the Regular Session of 1967 (Acts, 1967, p. 533) and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:25 P. M.

Act No. 598 S. J. R. 64—Engel, Cooper, Lolley, Harris, McDermott, Torbert, Pelham, Clark, Lindsey, O'Bannon, Jackson, McCarley, Stone, Goodwyn, Giles, Leonard, Albea, Carr, Givhan, Radney, Folsom, Turner, Adams, Oden

SENATE JOINT RESOLUTION

WHEREAS it is the intention of the Legislature to increase the medical education in the State of Alabama essentially as set forth by the Booz, Allen and Hamilton Report, which was commissioned by the Legislature, and which said Report recommended additional medical education facilities and programs to meet the State's critical need for additional medical personnel by the most economical means possible; and

WHEREAS the Report recommended increased support for the Medical College of Alabama in order to expand the size of each class to 125 students, which will be possible under legislation now pending; and that as soon as possible an additional medical college be established in Mobile under the auspices of the University of South Alabama; and that a two year program of medical education be undertaken by the University of Alabama on the Tuscaloosa campus;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the critical need for additional medical education facilities makes it imperative that the recommendations of the Booz, Allen and Hamilton Report be implemented, and that the University of South Alabama forthwith begin planning of a medical school in Mobile and that the University of Alabama forthwith begin planning for a two year medical school in Tuscaloosa.

BE IT FURTHER RESOLVED, that, wherever appropriate, this planning be done jointly by said institutions.

Approved August 29, 1969.

Time: 12:26 P. M.

Act No. 599

S. J. R. 87—Goodwyn, Pierce, Pelham

SENATE JOINT RESOLUTION

WHEREAS the Lurleen B. Wallace Cancer Hospital Fund, Inc. is developing a co-ordinated cancer control and treatment program within Alabama, and

WHEREAS such an effort must be certain of adequate contact and cooperation with health agencies and programs already in existence if efforts in cancer control are to prove effective, and

WHEREAS there presently exists no means by which all such efforts in the field of cancer control might be co-ordinated, and

WHEREAS it is the sense of the House and Senate of Alabama in the Legislature Assembled that the Lurleen B. Wallace Cancer Hospital Fund, Inc. be fully supported, now

THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING:

(1) That all efforts and means should be used by the various agencies and departments of the government of the State of Alabama to co-ordinate effort toward the control, detection, treatment of cancer, education and research related thereto, as well as comprehensive functional plans, management, and location of pertinent physical facilities and the use of federal and foundation funds for such purpose in an optimum manner, and

(2) That the Governor of Alabama is urged to establish by executive order an ad hoc committee for comprehensive cancer control in Alabama such committee to consist of the Director of the Bureau of Health Facilities Construction of the State Department of Health; the Director of the Office of Comprehensive Health Planning of the State Health Department, the Chairman of the Board of Censors of the Alabama Medical Association; the Director of the Lurleen B. Wallace Cancer Hospital Fund, Inc., Chairman; the Director of the Bureau of Preventable Diseases of the State Department of Health, the State Finance Director (who shall be the representative of the Governor); a representative of the Alabama Regional Medical Program; the President of the Senate; Speaker of the House; and the Governor's representative to the Appalachian Regional Commission, for the purpose of effectuating the above for the general well being of the people of Alabama, and

(3) That said ad hoc committee meet within two weeks of its formation and elect any other necessary officers, and determine all procedures of operation, and

(4) That said ad hoc committee shall do all within its power to enlist local governments and their agencies within each of the seven medical regions in the effort to build regional cancer detection units.

Approved August 29, 1969.

Time: 12:27 P. M.

Act No. 600

S. 57—Torbert

AN ACT

To repeal Section 30, Title 13, Code of Alabama 1940, which requires the justices of the Supreme Court to remain in Montgomery during terms of court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30, Title 13, Code of Alabama 1940, is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:30 P. M.

Act No. 601

S. 58—Torbert

AN ACT

To amend Section 29, Title 13, Code of Alabama 1940, as amended, relating to the salary of every justice of the supreme court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29, Title 13, Code of Alabama 1940, as amended, relating to the salary of every justice of the supreme court, is further amended to read as follows:

“Section 29. The salary of every justice of the supreme court is twenty-two thousand five hundred dollars (\$22,500) annually, payable in equal semi-monthly installments as the salaries of other state officers are paid.”

Section 2. This act shall become effective January 19, 1971.

Approved August 29, 1969.

Time: 12:31 P. M.

Act No. 602

S. 59—Torbert

AN ACT

To provide for a supreme court composed of a chief justice and eight associate justices; amending Code 1940, Title 13, Secs. 10, 11, 14, and 15, and Title 17, Sec. 71.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 10, 11, 14, and 15 of Title 13, Code of Alabama 1940, are hereby amended to read as follows:

“Section 10. Powers of court vested in nine justices; terms of office. The supreme court (except as otherwise provided) shall consist of a chief justice and eight associate justices, who shall be elected by the qualified electors of the state at the general elections, as provided by law for the election of members of the house of representatives in congress, and who shall hold their offices for the term of six years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified. The chief justice and two associate justices shall be elected at the general election in November, 1970; three associate justices shall be elected at the general election in November, 1972; and three associate justices shall be elected at the general election in November, 1974; and thereafter members of the supreme court shall be elected in this manner.

“Section 11. Court may sit and determine cases in sections. The court may sit, hear, consider, and determine causes and exercise all its powers and jurisdiction, in sections of five judges, such sections to be constituted from time to time by the chief justice, who as far as practicable must be a member of all sections; and any section of which it is impracticable for the chief justice to be a member shall be presided over by that one of the associate justices in such section who has precedence on the bench.

“Section 14. When concurrence of five judges, and when of four sufficient. The concurrence of five judges in the determination of any cause shall be necessary and sufficient thereto, except when, (by reason of disqualification, the number of judges competent to sit therein is reduced to seven or to six, in which case such reduced number shall constitute the court; and the concurrence of four judges shall suffice.

“Section 15. When judges disqualified and number reduced to eight or six, the governor appoints member of bar to sit as special judge. When by reason of disqualification the number of judges competent to sit in a cause is reduced to eight or to six, and there is equal division among them on any question material to the determination of the case, the fact shall be certified by the chief justice, or when he is disqualified, by the judges sitting, to the governor, who shall thereupon appoint a member of the bar of the supreme court to sit as a judge of said court in the determination of said cause; and similarly when by reason of disqualification no one of the judges is competent to sit in a cause, or the number is reduced below six, the fact shall be cer-

tified by the chief justice, if he is competent to sit, or if not, by the judge or judges sitting, or if no one is competent, by the clerk of the court, to the governor, who shall thereupon appoint a number of members of the bar of the supreme court to constitute a special court of seven members for the consideration and determination of such cause. The word 'disqualification,' as used in this section, being taken to include inability to sit by reason of prolonged illness of a chronic nature."

Section 2. Section 71, Title 17, Code of Alabama 1940, is hereby amended to read as follows:

"Section 71. Justice of the supreme court; when elected. A chief justice and two associate justices of the supreme court shall be elected on the first Tuesday after the first Monday in November, 1970, and every six years thereafter; three associate justices shall be elected on the first Tuesday after the first Monday in November, 1972, and every six years thereafter, and three associate justices shall be elected on the first Tuesday after the first Monday in November, 1974, and every six years thereafter. The justices of the supreme court shall hold office for a term of six years and until their successors are elected and qualified."

Section 3. The two new associate justices of the supreme court shall be appointed by the Governor, and the appointees shall hold their offices until the next general election for any state officer held at least six months after this act takes effect, and until their successors are elected and qualified. The successors chosen at such election shall hold office, one for a term of four years and one for a term of six years, to be determined by the two justices drawing or casting lots, and until their successors are elected and qualified as provided in Code 1940, Title 13, Section 11, and Title 17, Section 71, as amended.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:32 P. M.

Act No. 603

S. 60—Torbert

AN ACT

To amend Sections 31, 32 and 33, Title 13, Code of Alabama 1940, as amended, relating to supernumerary justices of the Supreme Court so as to provide further conditions for mandatory and elective status and to prescribe the duties, powers and salaries of such justices.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 31, 32 and 33, Title 13, Code of Alabama 1940, as amended, relating to supernumerary justices of the supreme court are amended to read as follows:

“Section 31. A. The chief justice or any associate justice of the supreme court shall be placed upon supernumerary status upon reaching the age of seventy years.

B. The chief justice or any associate justice of the supreme court may elect to become a supernumerary justice if he

(1) has served for fifteen years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, the last twelve years of which has been continuous, and has reached or passed the age of sixty-five years; or

(2) has served continuously for fifteen years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, and who has become physically unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

(3) has served continuously for fifteen years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, and has attained age sixty-five less one year for each year of service in excess of fifteen; or

(4) has served continuously for ten years as justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, and who is not less than seventy years of age; or

(5) has served for twenty-four years as a justice of the supreme court or as a judge of the court of appeals or circuit court, or any two or more of them consecutively, or for not less than four terms the last ten years of such service having been continuous.

Such election by such supreme court justice shall be made by filing, while in the service, a written declaration with the governor, who, upon finding the existence of conditions as herein specified shall endorse his approval thereon.

“Section 32. Such supreme court justice on such approval and upon taking the oath of office prescribed by the Constitution, shall become a supreme court supernumerary justice of the state. On request of the chief justice or the presiding judge of the court of appeals or the governor such supernumerary supreme court justice may serve on the supreme court or the court of ap-

peals when the chief justice, presiding judge or governor shall find and certify that his services are needed. A supreme court supernumerary justice when serving on either of said courts, in the absence or disqualification of the regular justice or judge, as the case may be, whose duties are being supplied by him, shall have and exercise all the duties and functions of such a justice or judge of said court. When serving on either of said courts for reasons other than the absence or disqualification of the justice or judge, his duties shall be as prescribed by the chief justice when serving on the supreme court, and as prescribed by the presiding judge when serving on the court of appeals. A recital in the minutes of the court that such a justice or judge is absent or disqualified, and that the supreme court supernumerary justice is sitting in his place at the request of the chief justice, the presiding judge or the governor shall be conclusive evidence of his authority to act in that capacity.

“Section 33. Supernumerary justices of the supreme court shall hold office during good behavior and may be removed only by impeachment for the causes specified in section 173 of the Constitution. Each supreme court supernumerary justice shall receive a salary of seven thousand two hundred dollars (\$7,200) per annum which shall be payable out of the treasury as the salaries of other supreme court justices are paid. Such supernumerary justice while serving on the supreme court or the courts of appeals, at the request of the chief justice or governor, as provided in section 32 of this title as amended, shall receive an additional sum, during the term of such service, which, when added to the salary of a supernumerary justice would amount to two hundred fifty dollars (\$250) per month less than the monthly salary of a justice of the supreme court, payable out of the treasury as the salaries of other supreme court justices are paid, upon a certificate of the chief justice, with the advice of the Supreme Court, of such service by the supernumerary justice at his request or that of the governor. All supernumerary justices shall continue on a service status as requested by either the chief justice or the governor with any appellate court so long as he satisfactorily performs such duties as may be assigned to him by the chief justice of the supreme court or the presiding judge of the court of appeals. The chief justice, with the advice of the Supreme Court, shall determine whether such supernumerary justice is satisfactorily performing his assigned duties and a decision at any time by the chief justice with the advice of the supreme court that such supernumerary justice is not performing such duties shall require the immediate removal of the supernumerary service status with an appellate court and a cessation of the additional service status salary; whereupon, the supernumerary justice shall immediately revert to the regular supernumerary status. The compensation for any status, whether regular or service, provided for in this section shall be paid in

the same manner as the regular justice is paid. Upon approval by the governor of an election by a supreme court justice, as authorized by section 31 of this title the office then held by him shall become vacant and the vacancy shall be filled as provided by article 6, section 158 of the Constitution."

Section 2. This act shall become effective immediately upon its approval by the governor.

Approved August 29, 1969.

Time: 12:33 P. M.

Act No. 604 S. 93—Radney, Torbert, Harris, McDermott,
Turner, Engel

AN ACT

Relating to suffrage and elections; authorizing and providing for registration of certain absentee electors by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. The following persons shall be entitled to register to vote by mail if they possess the qualifications of an elector and are not disqualified from voting under the Constitution and laws of Alabama, namely, members of the armed forces of the United States, persons employed outside the United States and the spouses and children of such persons, provided, however, that such persons shall be entitled to register only in the counties where they were residents prior to entering the status which makes them eligible for such registration.

Section 2. An application for absentee registration shall be in writing and shall be filed with the board of registrars of the county in which the elector resides. The board shall furnish the applicant a written questionnaire in the same form as that provided other applicants as provided under Constitutional Amendment XCI, and any additional questionnaire deemed necessary to determine eligibility to register, which questionnaires shall be answered by the applicant without assistance in the presence of a commissioned officer of the armed forces of the United States or any officer authorized to administer oaths and take affidavits. The completed questionnaire shall be subscribed and sworn to by the applicant and returned to the registrars. Such questionnaire and the written answers of the applicant shall be filed with the records of the board. The board may take other testimony respecting the applicant and the truthfulness of any information furnished by him. Any additional testimony so taken shall be reduced to writing and shall be sworn to by the witness before a member or clerk of the board or an officer authorized to administer oaths.

Section 3. Any person making application to the board of registrars for registration under this act who fails to establish by proof satisfactory to the board that he or she is qualified to register may be refused registration. Notice of registration or of denial of registration must be given the applicant by the board by mail within a reasonable time after the board acts on the application. Any person denied registration shall have the right of appeal as provided in Code of Alabama, title 17, section 35.

Section 4. All necessary forms and supplies needed by the registrars to carry out the provisions of this act shall be provided by the secretary of state as provided by Code of Alabama, title 17, section 37.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become operative upon the ratification of a proposed amendment to the Constitution of Alabama authorizing enactment of legislation respecting the right of absentee electors to register by mail.

Approved August 29, 1969.

Time: 12:34 P. M.

Act No. 605

S. 101—Torbert, Turner, Engel

AN ACT

To amend the Securities Act of Alabama (Acts 1959, v. 2, p. 1318, et seq., Act No. 542, Regular Session 1959) so as to make further provisions relating to the registration of securities dealers and salesmen and the registration and sale of securities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of the Securities Act of Alabama (Acts 1959, v. 2, p. 1318, et seq.) is hereby amended so as to read as follows:

"Section 2. REGISTRATION OF DEALERS AND SALESMEN

"(A) It is unlawful for any person to transact business in this state as a dealer or salesman unless he is registered under this act. It is unlawful for any dealer or issuer to employ a salesman unless the salesman is registered.

“(B) A dealer or salesman may apply for registration by filing with the Commissioner an application, together with a consent to service of process pursuant to section 12 and payment of the fee prescribed in subsection (F). Registration of a dealer automatically constitutes registration of all partners or executive officers of such dealer as salesman (Except any partner or executive officer whose registration as a salesman is denied, suspended, or revoked under subsection (H)) without the filing of applications for registration as salesmen or the payment of fees for registration as salesmen. The application shall contain whatever information the Commissioner requires concerning such matters as:

- “(1) the applicant’s form and place of organization;
- “(2) the applicant’s proposed method of doing business;
- “(3) the qualifications and business history of the applicant and in the case of a dealer, any partner, officer, or director;
- “(4) any injunction or administrative order or conviction of a misdemeanor involving moral turpitude, a security or any aspect of the securities business, any conviction of a felony; and
- “(5) the applicant’s financial condition and history.

“(C) Before any dealer registration shall be effective under this act, such dealer shall enter into a bond of not less than \$10,000, which said bond shall be payable to the State of Alabama and shall be executed by the dealer and a corporation qualified to do business as a surety company in the State of Alabama and shall be filed with the Commissioner. Said bond shall be in such form as the Commissioner shall from time to time designate and shall be conditioned upon the faithful accounting of all moneys and securities of another and for the payment of any judgment rendered by a court of competent jurisdiction against such dealer or agent of such dealer, one or both, in any action at law or suit in equity in Alabama based upon fraud or misrepresentation in the sale in Alabama of any security. Any original purchaser of securities from or through any such registered dealer or other person damaged by any breach in the conditions of said bond shall have a right of action upon said bond for the damages suffered thereby. No suit may be maintained to enforce any liability under the bond unless brought within two years after the sale or other action upon which such suit is based. One or more recoveries upon such bond shall not vitiate the same, but the aggregate amount of such recoveries thereon shall not exceed the amount of such bond. Any recovery on such bond shall be sufficient cause for cancelling or revoking such dealer’s registration. Provided,

however, that no such bond shall be filed as a prerequisite to registration by a dealer whose net worth exceeds \$25,000. In computing net worth for the purpose of determining whether a bond shall be required, the Commissioner shall consider as assets of the dealer only cash, customer and dealer debit balances and securities at 80% of market value; all liabilities of the dealer shall be considered in such computation. For the purpose of determining the market value of the securities of a dealer applicant under this section, the Commissioner may appoint three registered securities dealers, or representatives thereof, to make an appraisal of such securities.

“(D) If no denial order is in effect and no proceeding is pending under subsection (H), registration becomes effective at noon of the thirtieth day after an application is filed. The Commissioner may specify an earlier effective date and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment. The Commissioner shall require as conditions of registration:

“(1) that for all registrations granted after the effective date of this act, the applicant (and, in the case of a corporation or partnership, the officers, or partners) pass a written examination as evidence of knowledge of the securities business; the Commissioner shall accept in lieu of any examination given by him the examination given by the National Association of Securities Dealers; for those applicants who do not also apply for membership in the National Association of Securities Dealers, the Commissioner shall prepare and give an examination at intervals not more frequent than bi-weekly; for the purpose of assisting in the preparation and the grading of this examination, the Commissioner shall appoint three representatives from the securities industry, one to serve for three years, one to serve two years and one to serve one year; the members of such board shall serve for the aforementioned periods or until their successors have been appointed. All subsequent appointments shall be for three year terms. Vacancies occurring from death, resignation, or other reason shall be filled by appointment by the Commissioner for the unexpired term. Where examinations contemplated by this subsection are given by the Commissioner, the applicants and in the case of corporations or partnerships each officer or partner shall pay an examination fee of \$10 which shall be deposited in the general fund in the state treasury;

“(2) that a dealer have a minimum capital, but the Commissioner shall not require capital in excess of \$25,000.

“Registration of a dealer or salesman shall be effective until January 1 of the following year and may be renewed as herein-

after provided. The registration of a salesman is not effective during any period when he is not associated with an issuer or a registered dealer specified in his application or a notice filed with the Commissioner. When a salesman begins or terminates a connection with an issuer or registered dealer, the salesman and the issuer or dealer shall promptly notify the Commissioner.

“(E) Registration of a dealer or salesman may be renewed by filing with the Commissioner prior to the expiration thereof an application containing such information as the Commissioner may require to indicate any material change in the information contained in the original application or any renewal application for registration as a dealer or salesman filed with the Commissioner by the applicant, payment of the prescribed fee and, in the case of a dealer, a dealer’s bond as provided in subsection (C) if the financial condition of the dealer requires such bond. In order to continue the effectiveness of registration and to entitle the dealer to a renewal thereof, such dealer must file a financial statement prepared in accordance with standard accounting practice and certified by an independent certified public accountant showing the financial condition of such dealer at the close of the dealer’s fiscal period; said statement must be filed with the Commissioner within forty-five days after the close of the dealer’s fiscal period unless an extension of time is granted by the Commissioner; the Commissioner shall accept for filing a financial statement in the form required to be filed with the Securities and Exchange Commission from those dealers who are registered therewith. A registered dealer may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year without payment of any fee.

“(F) The fee for initial or renewal registration shall be \$100 for a dealer, and \$20 for a salesman. When an application is denied or withdrawn the Commissioner shall retain 50% of the fee.

“(G) Every registered dealer shall make and keep such accounts and other records, except with respect to securities exempt under subsection 10(A), as the Commissioner prescribes. All records so required shall be preserved for three years unless the Commissioner prescribes otherwise for particular types of records. All the records of a registered dealer are subject at any time or from time to time to such reasonable periodic, special, or other examinations by representatives of the Commissioner, within or without this state, as the Commissioner deems necessary or appropriate in the public interest or for the protection of investors.

“(H) The Commissioner may by order deny, suspend, or revoke registration of any dealer or salesman if he finds that

the order is in the public interest and that the applicant or registrant or, in the case of a dealer, any partner, officer, or director:

“(1) has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

“(2) has wilfully violated or wilfully failed to comply with any provision of this act or a predecessor act or any rule or order under this act or a predecessor act;

“(3) has been convicted of any misdemeanor involving moral turpitude, a security or any aspect of the securities business, or any felony;

“(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

“(5) is the subject of an order of the Commissioner denying, suspending, or revoking registration as a dealer, or salesman;

“(6) is the subject of an order entered within the past ten years by the securities administrator of any other state or by the Securities and Exchange Commission denying or revoking registration as a dealer or salesman, or the substantial equivalent of those terms as defined in this act, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States Post Office fraud order; but (i) the Commissioner may not institute a revocation or suspension proceeding under this clause more than two years from the date of the order relied on, and (ii) he may not enter any order under this clause on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

“(7) has engaged in dishonest or unethical practices in the securities business;

“(8) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the Commissioner may not enter an order against a dealer under this clause without a finding of insolvency as to the dealer; or

"(9) has not complied with a condition imposed by the Commissioner under subsection (D), or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

"(10) has failed to pay the proper filing fee; but the Commissioner may enter only a denial order under this clause, and he shall vacate any such order when the deficiency has been corrected.

"The Commissioner may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to him when registration became effective. The Commissioner may by order summarily postpone or suspend registration pending final determination of any proceeding under this subsection. Upon the entry of the order, the Commissioner shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is a salesman, that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the Commissioner, the order will remain in effect until it is modified or vacated by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing, may modify or vacate the order or extend it until final determination. No order may be entered under this section denying or revoking registration without appropriate prior notice to the applicant or registrant (as well as the employer or prospective employer if the applicant or registrant is a salesman), opportunity for hearing, and written findings of fact and conclusions of law.

"(I) If the Commissioner finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a dealer or salesman, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the Commissioner may by order cancel the registration or application."

Section 2. Section 7 of said Securities Act of Alabama is hereby amended so as to read as follows:

"Section 7. GENERAL PROVISIONS REGARDING REGISTRATION OF SECURITIES.

"(A) A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or registered dealer, except that a registration statement in connection with registration by coordination must be filed by a dealer registered as such with this Commission. Any document

filed under this act or a predecessor act within five years preceding the filing of a registration statement may be incorporated by reference in the registration statement to the extent that the document is currently accurate. The Commissioner may by rule or otherwise permit the omission of any item of information or document from any registration statement.

“(B) The Commissioner may require as a condition of registration by qualification or co-ordination that (1) proceeds from the sale of the registered security be impounded until the issuer receives a specified amount or (2) any security issued within the past three years, or to be issued, to a promoter for a consideration substantially different from the public offering price, or to any person for a consideration other than cash, be delivered in escrow to him or to some other depository satisfactory to him under an escrow agreement than the owners of such securities shall not be entitled to sell or transfer such securities or to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid a dividend or dividends aggregating not less than 6% of the initial offering price shown to the satisfaction of the Commissioner to have been actually earned on the investment in any common stock so held. The Commissioner shall not reject a depository solely because of location in another state. In case of dissolution or insolvency during the time such securities are held in escrow, the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

“(C) No securities shall be registered by qualification until the applicant or applicants have entered into a bond of not less than 5% nor more than 10% of the aggregate selling price of the securities to be registered by qualification, provided that in no event shall the amount of the bond be more than \$100,000. The amount of said bond shall be fixed by the Commissioner in his order admitting said securities to record. Said bond shall be payable to the State of Alabama and be conditioned upon the truthfulness of the statements set forth in the registration statement filed with the Commissioner and of the written evidence or other probative matter filed with the Commissioner in connection with such registration statement and for the faithful compliance by said applicant and his salesmen with the provisions of this title and of any lawful condition or requirement made by the Commissioner in registering such securities. Said bond shall be made with a surety company authorized to do business in the State of Alabama and shall be filed with and approved by the Commissioner.

“Any original purchaser of such securities or other person injured by a breach of any condition in said bond shall have a

right of action upon said bond for the amount of damages suffered thereby, but such right of action shall be barred unless suit be instituted thereon within two years from the time such cause of action arises. One or more recoveries upon such bond shall not vitiate the same; but no recoveries thereon shall ever exceed the full amount of such bond. Upon suits being filed in excess of the amount of such bond, the Commissioner shall require a new bond; and if same is not filed with and approved by the Commissioner within thirty days thereafter, the Commissioner shall revoke the registration of the securities involved. All liability upon any such bond shall be extinguished upon the expiration of two years from the date of the last original sale by the issuer, or his salesmen, of any of the securities registered and authorized to be sold pursuant to the registration statement on account of which such bond has been required by the Commissioner.

“The Commissioner shall take official action on the application for registration by qualification within forty-five days after the application has been filed and give written notice thereof to the applicant or applicants. If the application is denied, the notice shall state the grounds for denial or if action is delayed, the notice shall state the reasons for the delay.

“(D) For the registration of securities there shall be paid to the Commissioner a filing fee of \$40, plus a registration fee of $\frac{1}{10}$ of 1% of the aggregate offering price of the securities which are to be offered in this State, but the registration fee shall in no case be more than \$1,000. When a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under section 8, the Commissioner shall retain the filing fee and $\frac{1}{2}$ of the registration fee. For the registration of securities issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the Investment Company Act of 1940, a new registration fee shall be paid each year that the registration remains in effect, based upon the aggregate offering price of such securities which are to be offered in this state during that year, even though the maximum fee was paid the preceding year; and the registration statement for such securities may be amended to increase the amount of securities to be offered.

“(E) When securities are registered, they may be offered and sold by the issuer, any other person on whose behalf they are registered, or by any registered dealer. Every registration statement shall remain effective unless a stop order is in effect under section 8 of this Act, until revoked by the Commissioner or until terminated upon request of the registrant with the

consent of the Commissioner. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of any non-issuer transaction (1) so long as the registration statement is effective and (2) between the thirtieth day after the entry of any stop order suspending or revoking the effectiveness of the registration statement under section 8 (if the registration statement did not relate in whole or in part to a non-issuer distribution) and one year from the effective date of the registration statement. A registration statement which has become effective may not be withdrawn for a period of one year from its effective date if any securities of the same class are outstanding. A registration statement may be withdrawn otherwise only in the discretion of the Commissioner.

“(F) The Commissioner may require the person who filed the registration statement to file reports, not more than quarterly, to keep reasonable current the information contained in the registration statement and to disclose the progress of the offering with respect to securities registered by co-ordination and notification; provided, however, that where a registration statement has been filed by a person other than the issuer or an affiliate of the issuer, the Commissioner may require such person to file such reports on an annual basis only.

“(G) Every issuer whose securities have been registered by qualification and the registration of whose securities has not been cancelled and who has not been discharged from filing further quarterly reports under the provisions of paragraph (H) of this section, shall file within thirty days after the close of business on December 31, March 31, June 30, and September 30 of each year, and at such other reasonable times as may be required by the Commissioner, a statement, verified under oath by some person having actual knowledge of the facts therein stated, setting forth, in such form as may be prescribed by the Commissioner, the financial condition, the amount of assets and liabilities of such issuer on the above date and such other information as the Commissioner may require. Each statement shall be accompanied by a filing fee of ten dollars. If any issuer subject to the provisions of this paragraph of section 7 shall wilfully fail or refuse to comply with any of the provisions of this paragraph, and shall continue to so fail or refuse for thirty days after notice or demand, the registration statement of said issuer's securities shall thereupon be revoked and it shall thereafter be unlawful for any such issuer, or for his agent or agents or any dealer or salesman to sell such securities in this state.

“(H) Any issuer, whose securities have been registered by qualification as provided in section 6 of this title, who has

completed the sale of the securities so registered, or who desires to discontinue the sale of said registered securities, and who desires to be discharged from further supervision of the Commission or from further compliance with the Alabama securities law, may file with the Commissioner a notice in writing to such effect, and the Commissioner may thereupon enter an order cancelling the registration of such securities, and such issuer shall thereupon be discharged from filing any financial report except as the Commissioner may require up to and including the date of the filing of said notice as hereinabove provided. No such notice may be filed within one year after the effective date of the registration statement if any securities of the same class as those registered are outstanding.

Section 3. Section 8 of said Securities Act of Alabama is hereby amended so as to read as follows:

"Section 8. DENIAL, SUSPENSION, AND REVOCATION OF REGISTRATION

"(A) The Commissioner shall issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds that the order is in the public interest and that:

"(1) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

"(2) any provision of this act or any rule, order, or condition lawfully imposed under this act has been wilfully violated, in connection with the offering by (i) any person filing the registration statement, (ii) the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or (iii) any underwriter;

"the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions or any person directly or indirectly controlling the issuer, or any underwriter has:

"(a) wilfully violated or wilfully failed to comply with any provision of this act or any rule or order under this act or any predecessor act, or

“(b) has been convicted of a felony or any misdemeanor involving moral turpitude, a security, or any aspect of the securities business;

“(3) the security registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but (i) the Commissioner may not institute a proceeding against an effective registration statement under this clause more than one year from the date of the injunction relied on, and (ii) he may not enter an order under this clause on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

“(4) the issuer’s enterprise or method of business includes or would include activities which are illegal where performed;

“(5) the offering has worked or tended to work a fraud upon purchasers or would so operate;

“(6) when a security is sought to be registered by notification, it is not eligible for such registration;

“(7) when a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by section 5 (B) (7);

“(8) the offering has been or would be made with unreasonable amounts of underwriters’ and sellers’ discounts, commissions, or other compensation, or promoters’ profits or participation, or unreasonable amount or kinds of options, or

“(9) the applicant or registrant has failed to pay the proper registration fee; but the Commissioner may enter only a denial order under this clause and he shall vacate any such order when the deficiency has been corrected.

“The Commissioner may not enter a stop order against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective.

“(B) Upon the entry of a stop order under any part of this section the Commissioner shall promptly notify the issuer of the securities and the applicant or registrant that the order has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested within fifteen days and none is ordered by the Commissioner, the Commissioner shall enter his written findings of fact and conclusions of law and the order will remain in effect until it is modified or vacated

by the Commissioner. If a hearing is requested or ordered, the Commissioner, after notice of and opportunity for hearing to the issuer and to the applicant or registrant, shall enter his written findings of fact and conclusions of law and may modify or vacate the order. The Commissioner may modify or vacate a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so."

Section 4. Section 9 of said Securities Act of Alabama is hereby amended so as to read as follows:

"Section 9. DEFINITIONS

"When used in this act, unless the context otherwise requires:

"(A) 'Commissioner' means the Securities Commissioner of Alabama.

"(B) 'Salesman' means any individual other than a dealer who represents a dealer or issuer in effecting or attempting to effect sales of securities, but 'salesman' does not include an individual who represents an issuer in (1) effecting a transaction in a security exempted by clause (A), (B), (C), (I), or (J) of section 10, (2) effecting transactions exempted by section 11 or (3) effecting transactions with existing employees, partners, or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. A partner, officer, or director of a dealer or issuer is a salesman if he otherwise comes within this definition.

"(C) 'Dealer' means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. 'Dealer' does not include (1) a salesman, issuer, bank, savings institution, or trust company, (2) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions and other dealers.

"(D) 'Guaranteed' means guaranteed as to payment of principal, interest, or dividends.

"(E) 'Issuer' shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any person who acts for a compensation or a consideration as a promoter for or on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

"(F) 'Non-issuer' means not directly or indirectly for the benefit of the issuer.

“(G) ‘Person’ shall include a natural person, a corporation created under the laws of this or any other state, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term ‘trust’ shall not include a trust created or appointed under or by virtue of a last will and testament, or by instrument of declaration or appointment by any person for the benefit of himself, relatives, friends, servants or employees, or by a court of law or equity, or any public charitable trust.

“(H) ‘Sale’ or ‘sell’ includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. ‘Offer’ or ‘offer to sell’ includes every attempt to offer or dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

“Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

“(I) ‘Securities Act of 1933,’ ‘Securities Exchange Act of 1934,’ ‘Public Utility Holding Company Act of 1935,’ and ‘Investment Company Act of 1940’ means the federal statutes of those names as amended before or after the effective date of this act.

“(J) ‘Security’ means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificate; certificate of deposit for a security; certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, annuity contract unless issued by an insurance company, bankers’ shares, trustees’ shares, investment participating bonds, investment trust debentures, units, shares, bonds, and certificates in, for, respecting or based upon any form of securities or collateral, subscriptions and contracts covering or pertaining to the sale or purchase on the installment plan of any security as herein defined; or subscription or contracts covering or pertaining to the sale or purchase of beneficial interest in title to property, profits

or earnings; or any right to subscribe to any of the foregoing; or any instrument of any kind commonly known as a security.

“(K) ‘State’ means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

“(L) ‘Underwriter’ shall mean a person who agrees to take or contracts to dispose of a stipulated amount of securities or a portion thereof, at a fixed price.

“(M) ‘Broker’ shall mean dealer as hereinabove defined.

“(N) ‘Agent’ shall mean salesman as hereinabove defined.

“(O) ‘Suspend’ when used in relation to the registration of either a security or a dealer or salesman, shall mean the temporary cessation or inoperativeness of such registration, whether by reason of operation of law or by reason of an order of the commission.

“(P) ‘Revoke’ shall mean to vacate the registration of either a security, a dealer or a salesman for cause by order of the commission.

“(Q) ‘Cancel’ shall mean to terminate the registration of either a security, a dealer or a salesman upon application filed therefor as follows: in the case of a security, upon application therefor filed by the issuer thereof or the person who secured the registration of said security; in the case of a dealer, upon the application therefor filed by such dealer; in the case of a salesman, upon the application therefor filed by either the issuer or dealer employing such salesman.

“(R) ‘Fraud,’ ‘deceit,’ and ‘defraud’ are not limited to common law deceit.

Section 5. Section 10 of said Securities Act of Alabama is hereby amended so as to read as follows:

“Section 10. EXEMPT SECURITIES

“Section 3 through 8, inclusive, of this act shall not apply to any of the following securities:

“(A) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing.

“(B) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more

of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor.

“(C) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of this state.

“(D) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any building and loan or similar association organized under the laws of this state.

“(E) Any security, issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

“(F) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (1) subject to the jurisdiction of the Interstate Commerce Commission; (2) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (3) regulated in respect to its rates and charges by a governmental authority of the United States or any state; or (4) regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada, or any Canadian province.

“(G) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, or the Midwest Stock Exchange, or any other stock exchange approved by the Commissioner; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing.

“(H) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, or reformatory purposes, or as a chamber of commerce or trade or professional association.

“(I) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive

of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal.

“(J) Any investment contract issued in connection with an employees’ stock purchase, savings, pension, profit-sharing, or similar benefit plan.”

Section 6. Section 15 of said Securities Act of Alabama is hereby amended so as to read as follows:

“Section 15. INVESTIGATIONS AND SUBPOENAS

“(A) The Commissioner in his discretion (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provision of this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the Commissioner may determine, as to all the facts and circumstances concerning the matter to be investigated, and (3) may publish information concerning any violation of this act or any rule or order hereunder.

“(B) For the purpose of any investigation or proceeding under this act, the Commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the Commissioner deems relevant or material to the inquiry.

“(C) In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of competent jurisdiction, upon application by the Commissioner, may issue to that person an order requiring him to appear before the Commissioner, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

“(D) No person is excused from attending and testifying or from producing any document or record before the Commissioner, or in obedience to the subpoena of the Commissioner or any officer designated by him or in any proceeding instituted by the Commissioner, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing

concerning which he is compelled, after claiming his privilege against selfincrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Section 7. Section 17 of said Securities Act of Alabama is hereby amended so as to read as follows:

"Section 17. CRIMINAL PENALTIES

"(A) Any person who wilfully violates any provision of this act, shall upon conviction be fined not more than \$5,000 or imprisoned not more than three years, or both. No indictment or information may be returned under this act more than three years after the alleged violation.

"(B) Any person who wilfully violates any rule or order under this act shall upon conviction be fined not more than \$500 or sentenced to the county jail for not more than twelve months or both.

"(C) The enforcement of the provisions of this act shall be vested in the Securities Commissioner. It shall be the duty of the Securities Commissioner and the Attorney General to see that its provisions are at all times obeyed and to take such measures and to make such investigations as will prevent or detect the violation of any provision thereof. The Commissioner shall at once lay before the District Attorney of the proper county any evidence which shall come to his knowledge of criminality under this act. In the event of the neglect or refusal of the District Attorney to institute and prosecute such violation, the Commissioner shall submit such evidence to the Attorney General, who is hereby authorized to proceed therein with all the rights, privileges, and powers conferred by law upon district or court attorneys, including the power to appear before grand juries and to interrogate witnesses before such grand juries.

"(D) Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

"(E) In proceeding under this act, scienter need not be alleged and proved in prosecutions involving the sale of unregistered securities or in the failure to register as a dealer or salesman under this act."

Section 8. Section 27 of said Securities Act of Alabama is hereby amended so as to read as follows:

"Section 27. DISPOSITION OF REVENUES

"All moneys accruing to or collected by or through the Securities Commissioner or as a result of any statutes which said

Securities Commissioner may now or hereafter be charged with the duty of administering shall, when collected, be covered into the treasury to the credit of the general fund.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective October 1, 1969.

Approved August 29, 1969.

Time: 12:35 P.M.

Act No. 606

S. 112—Turner

AN ACT

To create the office of Supernumerary Probate Judge in the various counties of Alabama; prescribing the qualifications, term, duties, powers, authority, compensation or salary of such judge, and providing for the payment of the compensation or salary of any county Supernumerary Probate Judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Eligibility—Any Probate Judge or person who has served as Judge of Probate of any county of this state:

(a) Who has served fifteen years or more as Probate Judge and who is not less than sixty-five years of age; or who has served as such continuously for more than fifteen years and has attained age sixty-five less one year for each year of service in excess of fifteen; or

(b) Who has served continuously for fourteen years or longer as Probate Judge and who is not less than sixty years of age and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians; or

(c) Who has served as a county official for not less than eighteen years, the last ten years or more being continuously as Probate Judge, and who is not less than sixty years of age;

May elect to become a Supernumerary Probate Judge of the county in which he has served by filing a written declaration to that effect with the Governor. If the Governor shall find that any such declarant is qualified under either (a), (b) or (c), as hereinabove set forth a Commission as Supernumerary Probate Judge of such county shall thereupon be issued to such declarant by the Governor. The office of Probate Judge made vacant by the election of any such declarant shall be filled by appointment of the Governor as provided by law. Service as a county official, as provided in (c) above, shall include any

county wide elected office or state elected office, and shall include any Chief Clerk of the Probate Judge of any county;

Section 2. Such Supernumerary Probate Judge for the county shall take the oath of office prescribed by the Constitution for judicial officers, which oath shall be filed in the office of the Clerk of the Circuit Court of the county. The Supernumerary Probate Judge shall have and exercise all the authority, powers and duties of the Probate Judge in such county.

Section 3. If a vacancy shall occur in the office of the Judge of Probate in the county in which the Supernumerary Judge of Probate holds his commission, he shall immediately assume and exercise all the duties, powers and authority of such official in said county until a successor is appointed. All fees and commissions which may become due while such Supernumerary is so acting shall be paid into the county general fund. All clerk hire during such period of time shall be paid from the county general fund. The official bond of such Supernumerary official to be fixed and approved by the county governing body, the cost of which shall be paid by the county.

Section 4. The governing body of each county in which the Judge of Probate is paid a salary, shall begin deducting upon the effective date of this act and each month thereafter from the salaries of such officials an amount equal to 4 percent of the monthly salary paid such official up to Fifteen Thousand Dollars (\$15,000.00). Such sum shall be deducted monthly and paid into the general fund of the county. If such officials are compensated by fees and commissions, each such official, upon the effective date of this act and annually thereafter shall pay to the general fund of the county an amount equal to 4 percent of the total sum up to Fifteen Thousand Dollars (\$15,000.00) of all fees and commissions collected during the preceeding twelve months as compensation as such official. Such compensation shall include all fees and commissions from any and all sources because of his official position. If any person subject to the provisions of this Act shall end his tenure of office prior to becoming supernumerary as provided herein, an amount equal to one-half ($\frac{1}{2}$) of the amount paid by him into the county general fund under the provisions of this section, shall be repaid to him. In the event such person shall die in office prior to becoming supernumerary, such sum shall be paid to his estate. Provided, however, that this Section (4) shall not apply in any county in which the judge of probate is eligible to become entitled to any other state or county retirement or supernumerary act, which he may elect to come under.

Section 5. The Compensation of each Supernumerary Probate Judge shall be the sum of Four Hundred Fifty Dollars (\$450.00) per month, which compensation or salary shall be paid

out of the general fund of the county, provided that this provision shall not affect the provisions of any local act or act of local application now in effect.

Section 6. If any Judge of Probate is eligible for retirement under any other county retirement act, he shall make a choice as to which act he desires to come under and shall so notify the county governing body within sixty days after receiving the appointment as Supernumerary Judge of Probate.

Section 7. The right to elect to become such Supernumerary Probate Judge shall apply only to Probate Judges in counties who have been elected to that office. Such Supernumerary Probate Judge shall hold office for life, and may be removed only by impeachment for the causes specified in the Constitution of Alabama.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed insofar as the same may be in conflict herewith, it being the intention of the Legislature not to repeal any other Retirement or Supernumerary Act.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:36 P.M.

Act No. 607

S. 153—McDermott

AN ACT

To amend further Section 188 of Title 37 of the Code of Alabama, 1940, as amended by Act Number 642, Acts of the Legislature of Alabama, 1947 (General Acts Alabama 1947, page 495), which relates to mode of consolidating contiguous municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 188 of Title 37 of the Code of Alabama, 1940, as amended by Act Number 642, Acts of the Legislature of Alabama, 1947, (General Acts Alabama 1947, page 495) is further amended to read:

“Section 188. When two or more municipalities lying contiguous to each other desire to consolidate and operate as one municipality, they may do so in the manner following. If it is

the purpose to annex a city or town to another municipality, then each city or town shall express a willingness to such annexation by adopting an ordinance of the council, and the council of the municipality to be annexed shall thereupon call an election to be conducted in the same manner as other municipal elections and by officers selected by the council. The election shall be held not less than thirty days after the passage of the ordinance. If at the election, conducted under the same sanctions and penalties as general elections, a majority of the qualified electors voting shall vote for annexation upon official ballots furnished for that purpose, then, upon the expiration of forty-five (45) days after a canvass of the returns, made as in general municipal elections, showing such results, the territory within the corporate limits of such city or town shall become a part of the annexing municipality and may be divided into wards or annexed to wards already established. Upon a presentation to the council of a petition signed by a number of qualified electors equal to ten percent of the electors of the city or town qualified to vote in the last general municipal election immediately preceding the presentation of said petition requesting an election to be held to decide whether such city or town shall be annexed to another city or town, it shall not be necessary for the council to pass an ordinance expressing a willingness to be annexed, but the council shall pass the necessary ordinances providing for an election by the qualified electors of the city or town to decide the question."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:38 P.M.

Act No. 608

S. 223—Cooper

AN ACT

To amend Section 19 of Act No. 108, H.B. 152, approved August 26, 1959 (Acts 1959, v. 1., p. 618), an act relating to the practice of chiropractic so as to require the completion of fifteen hours annually of professional educational work to be approved by the state board of chiropractic examiners as a condition for the renewal of certificates of qualification to practice chiropractic.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 19 of Act No. 108, H.B. 152, approved August 26, 1959 (Acts 1959, v. 1. pp. 612, 618), an act regulating the practice of chiropractic, is hereby amended to read as follows:

"Section 19. Every certificate of qualification to practice chiropractic shall expire on September 30 of the year for which it is issued. Every person having a valid certificate may on or before the first day of October 1960 and each year thereafter renew the same for the ensuing year by the payment to the state board of chiropractic examiners of a fee of not less than five nor more than fifteen dollars, the exact amount to be fixed annually by resolution of the state board of chiropractic examiners, accompanied by satisfactory evidence that such person has completed during the preceding year a minimum of fifteen hours of professional educational work approved by the state board of chiropractic examiners; provided, however, that the board may, for good and reasonable cause shown, waive the educational requirement. The secretary-treasurer of the board shall notify each licensee at least twenty (20) days prior to October 1st of each year of the due date for renewal, and failure to pay such renewal fee and submit proof of completion of a minimum of fifteen hours of professional educational work approved by the board during the preceding year, unless such educational requirement is waived, shall operate as a forfeiture of the right of the licensee to practice his profession in this state: Provided, however, that he may be reinstated by the board, in its discretion, upon payment of all fees due. All funds received by the board for annual certificate renewal fees may be used by the board for education, promotion, and welfare of the science of chiropractic. It shall be the duty of the board to notify the state licensing board for the healing arts, on or before the first day of January of each year of any person who has theretofore been certified by the board who fails to renew such certificate of qualification under this provision; and it shall be the duty of the licensing board to refuse to register such person and his license shall be automatically revoked. The state board of chiropractic examiners shall make such rules and regulations as are necessary and proper for effectuating or enforcing this act."

Section 2. This Act shall take effect immediately upon its enactment.

Approved August 29, 1969.

Time: 12:39 P.M.

Act No. 609

S. 242—Pierce

AN ACT

To amend Section 12 of Act No. 108, H.B. 152, approved August 26, 1959 (Acts 1959, v. 1, p. 615), an act relating to the practice of chiropractic, so as to specify additional grounds for suspension or revocation of a certificate of qualification to practice chiropractic.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 108, H.B. 152, approved August 26, 1959 (Acts 1959, v. 1, pp. 612, 615), an act regulating the practice of chiropractic, is hereby amended to read as follows:

"Section 12. The State Board of Chiropractic Examiners may refuse to grant or may revoke a certificate of qualification to practice chiropractic, or may cause a licentiate's name to be removed from the records in the office of the judge of probate in any county upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a certificate of qualification or in passing any examination provided for in this Act; habitual intemperance in the use of ardent spirits or narcotics; inability or manifest incompetency or flagrant immorality; conviction of a crime involving moral turpitude or any violation of a state or federal law relating to narcotic drugs or performing or attempting to perform a criminal abortion; or any other immoral or unprofessional conduct. The Board shall have the power and it shall be its duty to suspend for a specified time, to be determined in the discretion of the Board, or revoke any license to practice chiropractic whenever the licensee shall be found guilty of any of the following acts or offenses:

- "(1) Fraud in procuring a license;
- "(2) Immoral, unprofessional, or dishonorable conduct;
- "(3) Habitual intoxication or addiction to the use of drugs;
- "(4) Conviction of a felony;
- "(5) Use of untruthful or improbable statements, or flamboyant or extravagant claims concerning such licensee's professional excellence or abilities;
- "(6) Distribution of intoxicating liquors or drugs for any other than lawful purposes;
- "(7) Wilful or repeated violations of any of the provisions of this Act;
- "(8) Conviction for any violation of federal or state narcotic or barbiturate law;
- "(9) Unlawful invasion of the field of practice of any profession where license is required by this Act when the licensee is not licensed to practice such profession.
- "(10) Solicitation of professional patronage by any means whatsoever; provided that nothing herein shall be construed to prohibit a practitioner from inserting in a newspaper or other publication of general distribution an announcement or notice of (1) his entering into practice at a specific location. (2) his change of address, (3) his formation of a new partnership or

other business association; such notice or announcement shall be conservative in nature and shall state only the name of the practitioner, his address or new address, the name of his associates or partners, his former associates or partners, and his specialties; provided further that nothing herein shall be construed to prohibit the use by practitioners of professional business cards stating the practitioner's name, professional partners or associates, telephone number, and specialties;

"(11) Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured;

"(12) Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient;

"(13) Performing, procuring, or aiding and abetting in the performance of a criminal abortion;

"(14) Wilful betrayal of a professional secret;

"(15) Making use of any advertising statements of a character tending to deceive or mislead the public;

"(16) Advertising prices for professional services;

"(17) Advertising by the use of hand bills, poster, circulars, cards, neon or other electric signs, radio, television, newspapers, or any kind of written publication; provided, however that notwithstanding contrary provisions in laws pertaining to any particular branch of the healing arts, licensees hereunder may be permitted to insert their names, specialties, if any, addresses, and announcements of clinics, together with the names of staff members of such clinic, in the official publication of the licensees' profession, but this shall not authorize any such insertions in publications intended for distribution or actually distributed to the general public. Such insertions herein authorized shall not in any way be reproduced for or distributed to the general public. Nothing herein shall be construed to prohibit institutional advertising or institutional public relations by any state, county or district association composed of members of the healing arts or any branch thereof. The term 'institutional advertising' or 'institutional public relations' as used is intended to mean advertising or public relations promoting the healing arts or any branch thereof in general, but may not include the names of individual practitioners or any personal identification of said practitioners by photograph, telephone number, address, name, or otherwise. Nothing herein shall be construed to prohibit a practitioner from allowing or causing his name, address and telephone number to be inserted in the classified section of a telephone directory under a classification denoting said practitioner's branch of the healing arts and also his specialty or

specialties within said branch, but practitioners shall not cause or allow said listings so inserted to appear in large or boldface type more prominent than ordinary listings;

“(18) Advertising any free professional services or free examinations;

“(19) Offering discounts or inducements to prospective patients by means of coupons or otherwise to perform professional services during any period of time for a lesser or more attractive price;

“(20) Advertising to guarantee any professional service or to perform any operation painlessly;

“(21) Advertising any price or prices of corrective devices or services;

“(22) Continuing to practice after suspension or revocation of certificate or qualification by the appropriate examining board;

“(23) The board may also suspend or revoke the license of a licensee found to be mentally incompetent to a degree and of a character which renders the license unsafe or unreliable as a practitioner.”

Section 2. This Act shall take effect immediately upon its enactment.

Approved August 29, 1969.

Time: 12:40 P.M.

Act No. 610

S. 246—Clark

AN ACT

To create a Property Inventory Control Division in the office of the State Auditor; transferring to it the functions, jurisdiction, authority, personnel, property and effects vested in or required for that function in the Division of Service of the Finance Department; relieving the Director of the Finance Department of the responsibility of maintaining property records; and making an appropriation for carrying out the purposes of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created in the office of the State Auditor, a Property Inventory Control Division. The functions, authority, personnel, property and effects of the Division of Service of the Finance Department related to property accounting are hereby transferred to the Property Inventory Control Division hereby created in the office of the State Auditor. On and after October 1, 1969, all rights, powers, duties, functions

and authority vested in, conferred on, or required of the Division of Service in the Finance Department under the Code of Alabama 1940, Title 55, Sections 145 (1) (2) (3) and (4), are hereby vested in, conferred on, and required of the Property Inventory Control Division hereby created in the State Auditor's office. The Director of Finance is relieved of the responsibility for the administration of this function.

Section 2. The sum of twenty thousand dollars (\$20,000.00) is hereby appropriated from any funds in the State Treasury not otherwise appropriated, for each of the fiscal years ending September 30, 1970, and September 30, 1971, to the use of the State Auditor for the payment of expenses incurred in carrying out the purpose of this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on October 1, 1969 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:41 P.M.

Act No. 611

S. 247—Clark, Torbert, Gilmore

AN ACT

To amend further Act No. 582, H. 402, Regular Session 1965 (Acts 1965, p. 1079), entitled "An Act to fix the compensation of certain state officers."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 582, H. 402, Regular Session 1965 (Acts 1965, p. 1079), entitled "An Act to fix the compensation of certain state officers," is hereby further amended to read as follows:

"Section 1. The State Auditor, the Secretary of State and State Treasurer shall each receive an annual salary of twenty thousand dollars (\$20,000), payable out of any funds in the state treasury not otherwise appropriated, as the salaries of other state officers are paid."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act shall take effect at the expiration of the terms of the incumbent officers.

Approved August 29, 1969.

Time: 12:42 P.M.

Act No. 612

S. 258—Engel, McDermott

AN ACT

To further amend Section 2 of an Act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1943, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act of the Legislature of Alabama being Local Act No. 102, approved June 3, 1943, page 59 of the Local Acts of Alabama of 1943, which was amended by an Act of the Legislature of Alabama, being Local Act No. 784, approved September 8, 1961, page 1136 of the Local Acts of Alabama of 1961, be and the same is hereby amended so as to read as follows: "Section 2. Such attorney so appointed shall receive as his compensation FOUR THOUSAND EIGHT HUNDRED AND NO/100 (\$4,800.00) DOLLARS per annum, payable in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County".

Section 2. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage by the Legislature and its approval by the Governor or its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:43 P.M.

Act No. 613

S. 190—Folsom

AN ACT

To prohibit the feeding of garbage to swine and to repeal conflicting laws, including Act No. 187, Regular Session 1953 (Acts of 1953, p. 240); and to provide for the enforcement of this Act, and to fix the date on which said Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, municipality, county, political subdivision, governmental agency or department, institution, individual, partnership, corporation, association, other entity or organization to feed garbage to swine. For the purposes of this Act, "Garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods including animal and fowl carcasses or parts thereof, except, however, citrus pulps, pea vines, bakery waste, candy kitchen waste and dairy products waste from milk processing plants shall not be included in this definition when such waste has not been mixed with or in contact with other animal or vegetable waste.

Section 2. This Act shall not apply to any person who feeds only his own household garbage to swine.

Section 3. Whoever violates this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00, and within the discretion of the Court may also be imprisoned for a period not to exceed six months.

Section 4. The provisions of this Act shall be enforced by the Department of Agriculture and Industries.

Section 5. All laws and parts of laws which conflict with this Act are hereby repealed, and Act No. 187, Regular Session 1953 (Acts of 1953, p. 240) is hereby expressly repealed, provided the date on which the repeal of said Act shall become effective is October 1, 1971.

Section 6. This Act shall become effective on October 1, 1971.

Approved August 29, 1969.

Time: 12:44 P.M.

Act No. 614

S. 261—Engel, McDermott

AN ACT

To amend Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597), relating to the compensation of the chief deputy and certain employees in the sheriff's department in counties having populations of not less than 300,000 nor more than 500,000.

Be It Enacted by the Legislature of Alabama:

Section 1. "Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's department in counties having populations of not less than 300,000 nor more than 500,000 is amended to read as follows:

"Section 1. In all counties having populations of not less than 300,000 nor more than 500,000, according to the last federal decennial census, the chief deputy sheriff shall be paid an annual salary of \$10,000; the assistant chief deputy sheriff shall be paid an annual salary of \$8,300; the criminal investigator in the sheriff's department shall be paid an annual salary of \$8,300 and the chief clerk in the sheriff's department shall be paid an annual salary of \$10,000, which shall be payable in equal monthly installments upon warrants drawn in the same manner prescribed for payment of compensation of county employees."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:45 P.M.

Act No. 615

S. 278—Turner

AN ACT

Relating to banks and banking; amending further Code of Alabama 1940, Title 5, Section 91, which relates to filing fees for permits to transact business; amending such section to prescribe fees to be paid with the application for a permit for the merger of two or more banks, and providing for the disposition of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 5, Section 91, as amended, is hereby further amended to read as follows:

Section 91. Application for permit to do business.—The proposed incorporators shall execute and acknowledge an application in writing in the form prescribed by the superintendent of banks, and shall file the same in the office of the bureau of banking, Montgomery, Alabama, which application shall be signed by three or more of the incorporators requesting a certificate authorizing the proposed bank to transact business at the place, time, and under the name stated in said application; and at the time of filing said application, the applicant shall pay to the superintendent of banks a filing fee of fifteen hundred dollars (\$1500). Applicants for permits to establish and operate a branch of any existing bank shall likewise at the time of filing said application pay to the superintendent of banking a filing fee of three hundred dollars (\$300) for each branch bank proposed to be established or operated. At the time of filing an application for a permit for the merger of two or more existing banks, the applicants for such permit shall pay to the superintendent of banks a filing fee of fifteen hundred dollars, and in

addition thereto pay for the examination required by Code of Alabama, Title 5, Section 174, of the institutions desiring to merge. The exact amount of the cost of such examination shall be fixed by the superintendent of banks; but such cost shall not exceed \$100 per day for each examiner engaged in such examination. All such fees shall be paid into the special fund set up by the state treasury pursuant to Section 13 of Title 5, Code of Alabama 1940, as amended."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:46 P.M.

Act No. 616

S. 322—Stone

AN ACT

To amend Act No. 221, H. 40, of the First Special Session of 1965 (Acts, Special Session 1965, p. 288) in relation to the State Textbook Committee, prescribing the number of members thereof, the manner of their appointment, their terms of office and the time for meetings of the committee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 and 4 of Act No. 221, H. 40, of the First Special Session of 1965 (Acts, Special Session 1965, p. 288) are hereby amended to read as follows:

"Section 3. After June 30, 1969, the State Textbook Committee shall be composed of sixteen members. Four of such members shall be secondary school classroom teachers and four elementary school classroom teachers. One of these eight members shall be appointed from each of the eight congressional districts, as such districts are now constituted. There shall also be four members appointed from the state at large and these four members may be either classroom teachers or persons actively engaged in a supervisory or administrative capacity in the field of education. There shall be two members of the committee who are employees of state institutions of higher learning. These fourteen members of the Textbook Committee shall, each, be appointed by the State Board of Education upon nominations made by the State Superintendent of Education. In addition, two members of the State Textbook Committee shall be appointed by the Governor. Neither of these members shall have been employed in the field of education. All members of the Textbook Committee shall be appointed for terms of one year, beginning on the first day of July. The term of the first members appointed as hereinabove prescribed shall begin on July 1, 1969.

"Vacancies in the office of any of the committee members shall be filled by the original appointing authority, and the appointee shall hold office for the unexpired term and until his successor is appointed and qualified.

"In order to qualify as a member of the committee, each person appointed shall make an affidavit to be filed with the State Board of Education within ten days after notice of his appointment that he will discharge faithfully all the duties imposed upon him as a member of the State Textbook Committee; that he has no interest, directly or indirectly, in any contract that may be made under this Act; that he has no interest as author, as associate author, as publisher, or as representative of the author or publisher of any textbook; that he has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm, or corporation engaged in manufacturing, publishing or selling textbooks; that he will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his agents, or anyone interested in, or intending to bias his judgment in any way in the selection of any textbook up for adoption; also that he will not reveal to anyone, except to the State Board of Education, the findings, ratings, or gradings of the State Textbook Committee.

Section 4. The organizational meeting of each State Textbook Committee shall be called by the State Superintendent of Education, and shall be held within two weeks following the date of appointment of the State Textbook Committee members, and the committee shall meet thereafter on call of the chairman of the committee or of the State Superintendent of Education.

"At the organizational meeting the State Textbook Committee shall elect one of its members to act as chairman of the committee and one of its members as secretary of the committee. Other necessary meetings shall be held as determined by the State Textbook Committee or upon the call of its chairman or the State Superintendent of Education. The State Superintendent of Education shall notify the members of the committee of each meeting by registered or certified mail prior to the time of such meeting. The members of the State Textbook Committee shall be paid the sum of \$20.00 per day during the time they are engaged in such work and in addition shall receive 10¢ per mile for each mile traveled from home to the place of meeting and return, to be paid out of the revolving fund appropriated to the State Board of Education or from any other appropriation made for that purpose. Each member of the Committee, before receiving per diem for expenses, shall submit to the State Superintendent of Education a notarized statement of the number of miles traveled and the number of days engaged in such work provided that no member shall be paid for more than twenty-

five days in any school year. When it becomes necessary to pay out any funds in accordance with the provisions of this Act, the State Superintendent of Education shall make requisition upon the Comptroller to draw his warrant upon the Treasurer for the amount for which the requisition is made.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:48 P.M.

Act No. 617

S. 335—Cooper

AN ACT

To amend Section 291 of Title 46 of the Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 291 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows: "Section 291. Fee for examination. —The fee for an examination shall not be less than seventy-five dollars nor more than one hundred and fifty dollars, to be fixed by the board, which amount must be paid in advance of the examination, and to such person as the board may authorize to receipt therefor. A fee shall not be returnable to an unsuccessful applicant, but such applicant shall be entitled to a second examination without paying an additional fee, provided such second examination is obtained within one year after the date of the first examination."

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:49 P. M.

Act No. 618

S. 336—Cooper

AN ACT

To amend Section 259 of Title 46 of the Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 259 of Title 46 of the Code of Alabama 1940 be and the same is hereby amended to read as follows:

"Section 259. Branches of learning examined upon. —An applicant for a certificate of qualification to practice medicine or osteopathy in this state shall be examined in writing or by such other mode of examination, including a multiple choice, by the state board of medical examiners, in the following branches of medical learning, to-wit: General medicine, surgery, obstetrics, gynecology, preventive medicine and jurisprudence; and such other branches as the board may require: All applicants coming before the board for examination, must present a certificate issued by the board of examiners in the basic sciences and a diploma showing graduation from a medical college approved by the state board of medical examiners or a college of osteopathy approved by the state board of medical examiners. If said applicant shall obtain an average of seventy-five per cent in the branches set forth herein, and all other branches wherein the board requires an examination, there shall be issued to the state licensing board for the healing arts a certificate of qualification in behalf of said applicant, which shall entitle said applicant to apply to the said board for license to practice medicine or osteopathy in Alabama; and no person shall practice medicine or osteopathy unless and until such person shall have obtained a license and a certificate of registration from the state licensing board for the healing arts.

"In the case of applicants who are to diagnose only local ailments of the human foot and to treat such ailments only locally, extending treatment no deeper than the true skin and using only local anesthetics in connection with such treatments, such applicants need possess only such qualifications and submit to such examinations only as, in the judgment of the state board of medical examiners, are necessary for the protection of the public health, safety, and morals and as are prescribed by said board in regulations duly promulgated. Said examinations shall embrace the anatomy and physiology of the foot; the diagnosis and treatment of diseases and ailments of the foot; asepsis, antisepsis; therapeutics and clinical chiropody. On proof of possessing such qualifications and on passing such an examination, either before the state board of medical examiners or before an examiner or examiners appointed by it, and selected from the membership of the Alabama association of chiropodists to the satisfaction of said board of medical examiners, there shall be issued to the state licensing board for the healing arts a certificate of qualification in behalf of said applicant which shall entitle said applicant to apply to said board for license to practice as a chiropodist qualified to diagnose and treat local ailments of the human foot, but only by local treatment extending no deeper than the true skin and using only local anesthetics in connection with such treatment. No person shall practice chiropody unless and until such person shall have obtained a

license and a certificate of registration from the state licensing board for the healing arts.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:49 P. M.

Act No. 619

S. 338—Turner

AN ACT

Relating to juries and jurors; to provide compensation for wage loss sustained by employees required to serve on juries of courts created pursuant to the Constitutions and laws of the United States and the State of Alabama; to repeal conflicting laws and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon receiving a summons to report for jury duty, any employee shall on the next day he is engaged in his employment exhibit the summons to his immediate superior and the employee shall thereupon be excused from his employment for the day or days required of him in serving as a juror in any court created by the Constitutions of the United States or the State of Alabama or the laws of the United States or the State of Alabama. Notwithstanding the excused absence as herein provided, any full time employee shall be entitled to his usual compensation received from such employment less the fee or compensation he received for serving as such juror. It shall be the duty of all persons paying jurors their fee or compensation for services to issue to each juror a statement showing the daily fee or compensation and the total fee or compensation received by the juror.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:50 P. M.

Act No. 620

S. 339—Turner

AN ACT

To provide that no member of a train crew, yard crew or engine crew of a railroad, which is a common carrier, shall be held personally responsible or found guilty of violating any law of this state or any municipal ordinance regulating or intended to regulate the occupying or blocking of any street, road or highway crossing-at-grade by trains or passenger or freight cars upon proof of certain facts; to provide that the provisions of this Act shall not relieve the employer or railroad from certain responsibility; and to repeal certain laws and ordinances.

Be It Enacted by the Legislature of Alabama:

Section 1. No member of a train crew, yard crew or engine crew of a railroad, which is a common carrier, shall be held personally responsible or found guilty of violating any law of this state or any municipal ordinance regulating or intended to regulate the occupying or blocking of any street, road or highway crossing-at-grade by trains or passenger or freight cars upon reasonable proof that the occupying or blocking of said street, road or highway crossing-at-grade was necessary to comply with the orders or instructions either written or oral of his employer or its officers or supervisory officials; provided, however, that the provisions of this Act shall not relieve the employer or railroad from any responsibility placed upon said employee or railroad by any such state laws or by such municipal ordinances. Provided further that nothing contained herein shall affect any civil tortuous responsibility of the agent, servants, employees and the railroad itself.

Section 2. All laws or parts of laws and all municipal ordinances or parts of municipal ordinances in conflict with the provisions and intent of this Act to the extent of such conflict are hereby amended, superseded and repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:51 P. M.

Act No. 621

S. 367—McDermott, Engel

AN ACT

To amend Section 2 of Act No. 287, Acts of Alabama, First Special Session, 1965 (p. 395), entitled, "An Act Relating to cities having populations of not less than 200,000 nor more than 300,000, according to the last or any subsequent federal decennial census; affecting and regulating the commission form of government which now exists or which may hereafter exist in any such cities; prescribing the compensation of the members of the boards of commissioners; prescribing and imposing a qualifying fee upon persons who desire to become candidates for the office of commissioner."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 287, Acts of Alabama, First Special Session, 1965 (p. 395), entitled "An Act Relating to cities having populations of not less than 200,000 nor more than 300,000, according to the last or any subsequent federal decennial census; affecting and regulating the commission form of government which now exists or which may hereafter exist in any such cities; prescribing the compensation of the members of the boards of commissioners; prescribing and imposing a qualifying fee upon persons who desire to become candidates for the office of commissioner" is amended to read as follows:

"Section 2. Each member of the Board of Commissioners of such city shall receive a salary of eighteen thousand dollars (\$18,000.00) per annum. Such salary shall be paid from the city treasury in equal semi-monthly installments."

Section 2. This act shall take effect October 6, 1969.

Approved August 29, 1969.

Time: 12:52 P. M.

Act No. 622

S. 390—Harris

AN ACT

To amend "The Physical Therapy Practice Act," Act No. 476, H. 8, Regular Session 1965 (Acts, Regular Session 1965, p. 686), in order to provide further for registration of physical therapists and to provide for licensing of physical therapy assistants; specifically to provide further for examinations of applicants for registration and licensing; and to clarify certain provisions in the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 476, H. 8, Regular Session 1965 (Acts 1965, Regular Session, p. 686), an Act known as the "Physical Therapy Practice Act" is hereby amended to read as follows:

"Section 2. Definitions. (a) 'physical therapy' means the treatment of a human being by the use of exercise, massage, heat, cold, water, radiant energy, electricity or sound, for the purpose of correcting or alleviating any physical or mental condition or preventing the development of any physical or mental disability; or the performance of neuro-muscular-skeletal tests and measurements to determine the existence and extent of body malfunction provided, however, that physical therapy shall be practiced only upon the referral of a physician licensed to practice medicine or surgery and a dentist licensed to practice dentistry and shall not include radiology or electro-surgery.

"(b) 'Physical Therapist' means a person who practices physical therapy.

“(c) The term ‘physiotherapist’ shall for the purposes of this Act be deemed synonymous with the term ‘physical therapist’ and said term shall be used to identify only those persons registered under this Act. The physical therapist may use the letters ‘P.T.’ or ‘R.P.T.’ in connection with his name or place of business to denote his registration hereunder.

“(d) ‘Physical Therapy Assistant’ means a person who assists in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional or advanced training in the anatomical, biological and physical sciences involved in the practice of physical therapy. The Physical Therapy Assistant shall practice only under the direction of a Registered Physical Therapist.

“(e) The term ‘physical therapy technician’ shall for the purposes of this Act be deemed synonymous with the term ‘physical therapy assistant’ and said term shall be used to identify only those persons licensed under this Act. The physical therapy assistant may use the letters ‘L.P.T.A.’ in connection with his name to denote his being licensed hereunder.

“(f) ‘Board’ means the Board of Physical Therapy established by Section 4 of Act No. 476, Regular Session 1965.

“(g) Words importing the masculine gender shall include the feminine.”

Section 2. Section 3 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

“Section 3. (a) **Registration Required.** No person shall practice, nor hold himself out to be able to practice physical therapy in this state unless he is registered in accordance with the provisions of this Act.

“(b) **License Required.** From and after one year from the effective date of this Act, no person shall act, nor hold himself out as being able to act, as a physical therapy assistant unless he is licensed in accordance with the provisions of this Act.

“(c) **Other Healing Arts not affected.** Nothing in this Act shall prohibit any person licensed to practice any other of the healing arts in this State under any other law from engaging in the practice for which he is licensed.”

Section 3. Section 4 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

“Section 4. (a) **Board of Physical Therapy — Members.** The Board of Physical Therapy shall consist of three members, appointed by the Governor from a list of three persons nominated for each place on such board by the Alabama Chapter of

the American Physical Therapy Association. The Board members shall be appointed for staggered terms of three years, each, so that one member's term expires each year. The members of the board, serving when this amendment becomes effective shall serve out the terms for which they were, respectively, appointed. Their successors shall be appointed in the manner hereinabove prescribed.

"(b) Qualifications. Each board member shall: (1) be a resident of this state; (2) have practiced physical therapy for the three years within the State of Alabama preceding his appointment; (3) be a member in good standing of the American Physical Therapy Association.

"(c) Vacancies. Any vacancy within a term shall be filled by appointment of the Governor from a list of three nominees submitted by the Alabama Chapter of the American Physical Therapy Association.

"(d) Officers. The board shall designate one of its members as Chairman, one as Secretary, and one as Treasurer. Members of the Board shall receive a fee for every day actually spent in the performance of their duties and in addition thereto shall be reimbursed for their actual expenses incurred in the performance of their duties. The exact amount of the above mentioned fee shall be fixed by the Board."

Section 4. Section 5 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

"Section 5. Powers and Duties of Board. It shall be the duty of the Board to pass upon the qualifications of applicants for registration as physical therapists and licensing as physical therapy assistants, to conduct examinations, to issue licenses and renewals to physical therapists and physical therapy assistants qualifying under this Act, and in a proper case to suspend or revoke the registration or license of such persons. The Board may adopt rules and regulations not inconsistent with law as it may deem necessary for the performance of its duties. The Board shall maintain a register listing the name of every living physical therapist and physical therapy assistant registered or licensed in this State, his last known place of business and last known place of residence, and the date and number of his license. The Board shall compile a list of physical therapists and physical therapy assistants registered or licensed to practice in this State and such list shall be available to any person upon application to the Board and the payment of such charge as may be fixed by the Board. Subject to the provisions of Section 14 of this Act, the Board shall have the power to make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of this Act."

Section 5. Section 6 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

"Section 6. Applications. An applicant for registration as a physical therapist or for a license as a physical therapy assistant shall file a written application on forms provided by the Board together with fee as set by the Board, no part of which will be returned. The applicant shall present evidence satisfactory to the Board that he is of good moral character and that he has completed a program of physical therapy education, appropriate for training a physical therapist or a physical therapy assistant as the case may be, approved by the Board and the American Physical Therapy Association."

Section 6. Section 7 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

"Section 7. Examinations. The Board shall give an appropriate examination to every applicant who complies with Section 6 of this Act, and who pays the fee prescribed for the examination. Examinations shall be held within the state at least once each year, at such times and places as the Board determines. A practical or demonstration examination may be required at the discretion of the Board when an applicant is re-taking a written examination, after previously having failed such an examination.

"(a) Physical Therapist. In the case of an applicant for registration as a physical therapist, the examination given shall be an examination prepared by or under the auspices of the Professional Examining Service of the American Public Health Association and all charges made by such Professional Examining Service for the examination shall be included in the fee prescribed. The Board is hereby authorized to act as collection agency for such Professional Examining Service and to collect from the applicant for the examination the charge for such examination and to remit such charge to the Professional Examining Service. No moneys so collected from applicants for examinations shall be deemed funds of the Board, nor shall the remittances to the Professional Examining Service be deemed expenditures of the Board within the provisions of the budget law requiring budgeting, appropriating or allotting thereof prior to their collection and remittance to such Professional Examining Service.

"(b) Physical Therapy Assistant. The examination given applicants for licensing as physical therapy assistants shall be a written examination, approved by the Board. Such examination shall test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the Board may

deem useful to test the applicant's fitness to act as a physical therapy assistant."

Section 7. Section 8 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

"Section 8. **Issuance of License after Examination.** The Board shall issue a license to each applicant who passes the appropriate examination for registration as a physical therapist or licensing as a physical therapy assistant in accordance with standards fixed by it and who is not disqualified to receive a license under the provisions of Section 12 of this Act."

Section 8. Section 9 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

"Section 9. **Issuance of License Without Examination.** On payment to the Board of a fee set by the Board, and the submission of a written application on forms provided by the Board, the Board shall issue a license without examination to: 1) A person who is qualified within the meaning of this Act as a physical therapist by another State of the United States of America, its possessions or the District of Columbia, if the requirements for licensing or registration in such state, possession or District were at the date of his licensing or registration by such state substantially equal to the requirement for the initial licensing of persons practicing physical therapy when this Act became effective, August 20, 1965, or for licensing by examination prepared by the Professional Examining Service as set forth in this Act and any additional requirements prescribed by the Board. 2) A person who is qualified within the meaning of this Act as a physical therapy assistant by another State of the United States of America, its possessions, or the District of Columbia, if the requirements for licensing in such state, possession or District were at the date of his licensing by such state substantially equal to the requirements set forth in this Act or a person filing an application before August 20, 1970 who presents satisfactory evidence to the Board that he is of good moral character and that on August 20, 1965, he was, and for the preceding nine years had been, employed in the physical therapy department of a duly licensed general hospital in Alabama, and that he has successfully completed courses at a teaching hospital in Anatomy, Hospital Procedures, Ethics and Terminology and is adept at administering all forms of modalities in physical therapy."

Section 9. Section 10 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

"Section 10. **Temporary Licenses.** (a) On payment to the Board of a fee, set by the Board, and on submission of a written application on forms provided by the Board, the applicant shall

be issued without examination a temporary license to practice physical therapy or to act as a physical therapy assistant in this State for a period not to exceed one year, if said person meets the qualifications set forth in Section 6 and submits evidence satisfactory to the Board that he is in this State on a temporary basis to assist in a case of medical emergency or to engage in a special physical therapy project.

“(b) Upon the submission of a written application, on forms provided by the Board, a person who has applied for a license under the provisions of Section 6 and who is, in the judgment of the Board, eligible to take the examination provided for in Section 7, may be issued a temporary license by the Board. Such temporary license shall be available to an applicant only with respect to his first application for a license under Section 6 and such license shall expire when the Board makes a determination with respect to said application.”

Section 10. Section 11 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

“**Section 11. Renewal of License.** All licenses issued by the Board to physical therapists and physical therapy assistants shall expire on the first day of October of the year next succeeding the issuance thereof. A license may be renewed on the payment, on or before November first of each year, to the Board of a fee, set by the Board. If said fee is not paid by that date, the license shall automatically expire. A license which has thus expired, may within five years of its expiration date, be renewed on the payment to the Board of a fee set by the Board for each year or part thereof during which the license was ineffective and the payment of a restoration fee set by the Board. After said five year period such license may be renewed only by complying with the provisions hereinabove relating to the issuance of an original license.”

Section 11. Section 12 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

“**Section 12. Refusal or Suspension or Revocation of License.** The Board shall refuse to issue a license to any person, and after notice and hearing in accordance with its regulations and rules, shall suspend or revoke the license of any person who has:

“(a) Practiced physical therapy other than upon the referral of a physician licensed to practice medicine or surgery, and a dentist licensed to practice dentistry; or practiced as a physical therapy assistant other than under the direction of a registered physical therapist;

“(b) used drugs or intoxicating liquors to an extent which affects his professional competency;

“(c) been convicted of a felony or of a crime involving moral turpitude;

“(d) obtained or attempted to obtain a license by fraud or deception;

“(e) been grossly negligent in the practice of physical therapy or in acting as a physical therapy assistant;

“(f) been adjudged mentally incompetent by a court of competent jurisdiction;

“(g) been guilty of conduct unbecoming a person registered as a physical therapist or licensed as a physical therapy assistant or of conduct detrimental to the best interest of the public;

“(h) been convicted of violating any state or federal narcotic law;

“(i) treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this Act;

“(j) advertised unethically according to standards as set by the American Physical Therapy Association and the Board;

“(k) failed or refused to obey any lawful order or regulation of the Board.”

Section 12. Section 13 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

“Section 13. Complaint — Hearing — Appeal. Any person may file a complaint with the Board against any registered physical therapist or licensed physical therapy assistant in the State charging said person with having violated the provisions of this Act. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he is charged. When such complaint is filed the secretary of the Board shall mail a copy thereof to the accused by registered mail at his address of record, with a written notice of the time and place of hearing thereof, advising him that he may be present in person and by counsel if he so desires, to offer evidence and be heard in his defense.

“At the time and place fixed for the hearing the Board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his defense. The Board shall not be bound by strict or technical rules of evidence but shall consider all evidence fully and fairly; provided, however, that all oral testimony considered by the Board must be under oath. If the Board is convinced that the registered physical therapist or the licensed physical therapy assistant has violated

the provisions of this Act, it shall immediately revoke his license.

"The action of the Board in revoking or refusing to issue a license may be reviewed by the Circuit Court of Montgomery County by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the Board acted arbitrarily, capriciously, or illegally. The review procedure provided herein shall not suspend the action of the Board in the revocation or refusal of a license."

Section 13. Section 15 of said Act No. 476, Regular Session 1965, is hereby amended to read as follows:

"Section 15. **Penalties.** (a) Each violation of Section 3 of this Act shall be punishable by fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for not less than 30 days nor more than 90 days, or both.

"(b) Any person who knowingly makes a false statement in his application for registration or license under this Act or in response to any inquiry by the Board, shall be fined not less than \$100.00 nor more than \$500.00 or by imprisonment for not less than 30 days nor more than 90 days, or both."

Section 13½. Nothing in this Act shall be construed as repealing or is in anywise amending Act Number 22 House 216 Special Session 1966, approved August 12, 1966.

Section 14. This Act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved August 29, 1969.

Time: 12:53 P.M.

Act No. 623

S. 461—Torbert

AN ACT

To provide for the indemnification by all corporations of corporate directors, officers, employees and agents against expenses, judgments, fines and settlements in certain cases; and to that end to authorize any corporation to purchase and maintain insurance on behalf of such persons to indemnify them against liability in certain cases; and to provide that this act shall be supplemental to and not in derogation of any other rights of indemnification.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, action, suit or proceeding, whether civil, criminal, administrative or inves-

tigative, including appeals, (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) and (b), or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in con-

nection therewith, notwithstanding that he has not been successful on any other claim, issue or matter in any such action, suit or proceeding.

(d) Any indemnification under subsections (a) and (b) (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) and (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to, or who have been wholly successful on the merits or otherwise with respect to, such claim, action, suit or proceeding, or (2) if such a quorum is not obtainable, or even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the shareholders.

(e) Expenses (including attorneys' fees) incurred in defending a civil or criminal claim, action, suit or proceeding may be paid by the corporation in advance of the final disposition of such claim, action, suit or proceeding as authorized in the manner provided in subsections (d) upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount if and to the extent that it shall ultimately be determined that he is not entitled to be indemnified by the corporation as authorized in this section.

(f) The indemnification provided authorized by this section shall not be deemed exclusive of and shall be in addition to any other rights (whether created prior or subsequent to the enactment of this section) to which those indemnified may be entitled under any statute, rule of law, provision of articles of incorporation, by-law, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, partner, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section.

Section 2. This Act shall apply to all corporations formed or existing under the laws of the State of Alabama.

Section 3. The enactment of this Act authorizing corporations to indemnify corporate officers, directors, employees and agents shall not be construed to imply that corporations had no right to indemnify such persons prior to the enactment of this Act, and the indemnification authorized by this Act shall be supplemental to and not in derogation of any rights of indemnification which may have existed under any statute, rule of law, provision of articles of incorporation, by-law, agreement, vote of shareholders or disinterested directors or otherwise prior to the enactment of this Act.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 199.

Time: 12:54 P.M.

Act No. 624

S. 466—Carr

AN ACT

Relating to counties having populations of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; to amend Act No. 628, H. 820, Regular Session 1967 (Acts 1967, p. 1431), an act which provides further for clerk hire allowances for certain county officers, and repeals conflicting laws, amending such act in relation to the clerk hire allowance for the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 628, H. 820, Regular Session 1967 (Acts 1967, p. 1431), is hereby amended to read as follows:

“Section 1. The governing body of all counties having populations of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census shall provide the following enumerated allowances for the purpose of hiring clerks and assistants as follows:

office of the tax assessor: a maximum of \$11,250 annually;

office of the tax collector: a maximum of \$10,600 annually;

office of the circuit clerk: a maximum of \$21,200 annually;

provided that an additional \$1,800 shall be allowed the office of the clerk annually as expenses for travel in the county by the clerk and his deputies;

office of the register of the circuit court: a maximum of \$8200 annually."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 199.

Time: 12:55 P.M.

Act No. 625

S. 480—Cooper

AN ACT

To amend Title 22, Section 256 and Section 258, Code of Alabama 1940, to include a new synthetic equivalent of cannabis (tetrahydrocannabinol) and to revise penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 22, Sections 256 and 258, Code of Alabama 1940, be and the same are hereby amended to read as follows:

"Section 256. Unlawful to sell marijuana, etc.—It shall be unlawful for any person to possess, transport, deliver, sell, offer for sale, barter, or give away in any form whatever in this state, any marijuana, cannabis Americana, or cannabis Indica, or any compound or mixture containing any marijuana, cannabis Americana or cannabis Indica, or any derivative therefrom or thereof or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as tetrahydrocannabinol and its optical isomers, or any cigar or cigarettes made of or containing any marijuana, cannabis Americana or cannabis Indica or such synthetic equivalents or derivatives.

"Section 258. Penalties.—(a) Any person who possesses any drug or substance enumerated in Section 256 of this chapter is guilty of a felony and upon conviction for the first offense shall be imprisoned in the penitentiary for not less than two nor more than ten years and in addition may be fined not more than \$20,000. For a second offense or if the offender shall have been previously convicted for any violation of the laws of the United States or any other state, territory, or district relating to narcotic drugs or marijuana, the offender shall be imprisoned in the penitentiary for not less than five nor more than twenty

years and, in addition, may be fined not more than \$20,000. For a third or subsequent offense or if the offender shall have been previously convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory, or district relating to narcotic drugs or marijuana, the offender shall be imprisoned in the penitentiary for not less than ten nor more than forty years and, in addition, may be fined not more than \$20,000. The imposition or execution of sentence shall not be suspended and probation shall not be granted if the conviction is for the offender's second or subsequent offense.

“(b) Any person who transports, delivers, sells, offers to sell, barter, furnishes, or gives away any drug enumerated in Section 256 of this chapter is guilty of a felony and upon conviction for the first offense shall be imprisoned in the penitentiary not less than five nor more than twenty years and, in addition, may be fined not more than twenty thousand dollars; and upon conviction for a second or subsequent offense shall be imprisoned in the penitentiary not less than ten nor more than forty years and, in addition, may be fined not more than \$20,000. Provided further, if the offender is over the age of eighteen and the offense consisted of selling, transporting, delivering, offering to sell, bartering, furnishing, or giving such narcotic or other drug to a person who had not attained the age of eighteen years the offender shall, upon conviction, be imprisoned not less than ten nor more than forty years and, in addition, may be fined not more than \$20,000. The imposition or execution of sentence shall not be suspended and probation shall not be granted in such cases.”

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Approved August 29, 199.

Time: 12:56 P.M.

Act No. 626

S. 499—Torbert

AN ACT

To amend Sections 65 and 67 of Act No. 414 adopted at the Regular Session of the Legislature of Alabama of 1959 so as to provide that the shares of corporations merging into a single corporation may be converted, in whole or in part, into cash or property or into shares, other securities, or obligations of any other corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 65 of Act No. 414 adopted at the Regular Session of the Legislature of Alabama of 1959 is amended to read as follows:

"SEC. 65. PROCEDURE FOR CONSOLIDATION AND MERGER OF DOMESTIC CORPORATION. Subject to the limitations of Section 239 of the Constitution of Alabama and of subdivision 10 of section 56 of this Act, any two or more corporations organized or existing under the laws of this state for the purpose of carrying on any kind of business may consolidate or merge into a single corporation. The constituent corporations may consolidate to form a new corporation which will be a corporation of this state, or they may merge into a single corporation, which may be any one of said constituent corporations. It shall be stated in the plans of merger or plan of consolidation hereinafter required whether said constituent corporations are to consolidate to form a new corporation or whether they are to merge into a single corporation. To effect such consolidation or merger, the board of directors of each constituent corporation shall, by resolution adopted by each such board, approve a plan of consolidation or plan of merger, setting forth

(a) The names of the corporations proposing to consolidate or merge, and the name of the corporation into which they propose to consolidate or merge.

(b) The terms and conditions of the proposed consolidation or merger.

(c) The manner and basis of converting the shares of the constituent corporations into shares or other securities or obligations of the new or surviving corporation or, in whole or in part, into cash or property or into shares, other securities, or obligations of any other corporation.

(d) In the case of a merger, a statement of any changes in the certificate of incorporation of the surviving corporation to be effected by such merger.

(e) In the case of a consolidation into a new corporation, all of the statements required to be set forth in a certificate of incorporation for corporations organized under this Act.

(f) Such other provisions with respect to the proposed consolidation or merger as are deemed necessary or desirable."

Section 2. Section 67 of Act No. 414 adopted at the Regular Session of the Legislature of Alabama of 1959 is amended to read as follows:

"SEC. 67. PROCEDURE FOR CONSOLIDATION OR MERGER OF DOMESTIC AND FOREIGN CORPORATIONS. Subject to the limitations of section 239 of the Constitution of

Alabama and of subdivision 10 of section 56 of this Act, any one or more corporations organized or existing under the laws of this state for the purpose of carrying on any kind of business may consolidate or merge with any one or more other corporations organized under the laws of any other state or states of the United States of America (irrespective of whether or not such other corporation or corporations are qualified to do business in this state, at the time of such consolidation or merger), if the laws under which such other corporation or corporations are organized shall permit such consolidation or merger. The constituent corporations may consolidate to form a new corporation, which may be a corporation of the state of incorporation of any one of said constituent corporations, or they may merge into a single corporation, which may be any one of said constituent corporations, irrespective of whether it be one organized or existing under the laws of this state or one organized under the laws of another state. It shall be stated in the plan of merger or plan of consolidation hereinafter required whether said constituent corporations are to consolidate to form a new corporation or are to merge into a single corporation; in either event the state pursuant to the laws of which the corporation resulting from or surviving such consolidation or merger is to be governed shall also be stated in such plan. To effect such a consolidation or merger, the board of directors of each constituent corporation shall, by resolution adopted by each such board, approve a plan of consolidation or plan of merger, setting forth:

(a) The names of the corporations proposing to consolidate or merge, and the name of the corporation into which they propose to consolidate or merge.

(b) The terms and conditions of the proposed consolidation or merger.

(c) The manner and basis of converting the shares of the constituent corporations into shares or other securities or obligations of the new or surviving corporation or, in whole or in part, into cash or property or into shares, other securities, or obligations of any other corporation.

(d) In the event that the corporation resulting from or surviving such consolidation or merger is or is to be a corporation of this state, such other facts and details as are required by the terms of section 65 of this Act to be stated in a plan of consolidation or plan of merger.

(e) In the event that the corporation resulting from or surviving such consolidation or merger is or is to be a corporation of a state other than this state, such other facts and details as are then required by the laws of such other state to be set forth in certificates of incorporation of business corporations organ-

ized under the laws of such other state that can properly be stated in the case of a consolidation or merger.

(f) Such other provisions with respect to the proposed consolidation or merger as are deemed necessary or desirable.

To become effective, such plan shall be adopted and approved on behalf of each of the constituent corporations in accordance with the laws of the state under which it is organized and, in the case of a corporation organized or existing under the laws of this state, in accordance with and in the manner provided by section 66 of this Act. After the final adoption of such plan on behalf of all of the constituent corporations as aforesaid, a copy thereof, together with a certificate executed by the Secretary of each of the constituent corporations under their respective corporate seals stating the fact of such adoption and showing the manner thereof, shall be filed in the office of the Secretary of State. A copy of such plan, when duly certified by the Secretary of State, shall be evidence of the existence of the corporation resulting from or surviving such merger or consolidation. Upon filing of said plan and certificates in the office of the Secretary of State, the several consolidating or merging corporations shall, for all purposes of the laws of this state, be one corporation under the name provided in said plan."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 12:57 P.M.

Act No. 627

S. 507—Givhan

AN ACT

TO AMEND THE PROVISIONS OF TITLE 22, SECTION 215, CODE OF ALABAMA, 1940, AS AMENDED, BY EXEMPTING ASSOCIATIONS AND COOPERATIVE CORPORATIONS FROM PAYMENT OF LICENSE FEES AS MILK PRODUCERS.

Be It Enacted by the Legislature of Alabama:

Section 215 of Title 22, Code of Alabama, 1940, as amended, is hereby revised and amended to read as follows: "§ 215. License fees.—Any person required by this chapter to be licensed by the milk control board shall pay to the milk control board at the times and in the manner hereinafter prescribed such of the license fees as are applicable to the business or businesses in which he is engaged:

A person operating a store or stores shall obtain a license for each store he operates and shall pay a license fee for each year or part of a year in which he operates such store or stores of two dollars and a half (\$2.50) for each store operated.

A bob-tailer shall pay a license fee of one cent (\$.01) for each one hundred pounds of milk and controlled milk products which he sells for human consumption in those areas controlled by the board except when such payment is ordered discontinued as hereinafter provided.

A person operating a cooling station shall pay an annual license fee of twenty-five dollars (\$25).

A distributor shall pay a license fee of one cent (\$.01) for each one hundred pounds of milk and controlled milk products processed and sold for human consumption in those areas controlled by the board except when such payment is ordered discontinued as hereinafter provided. A distributor may reduce the number of pounds of milk on which he would otherwise pay a license fee as provided above, by the number of pounds of milk on which a license fee has been paid by a bob-tailer as provided herein. It is the intent of this provision to assure that in no event shall more than one cent (\$.01) per hundred pounds of milk be ultimately collected as a license fee at the distribution level.

A producer shall pay a license fee of one cent (\$.01) for each one hundred pounds of milk produced for sale in this state where the prices governing such sale are established by the board and the sales are made to licensed distributors, producer-distributors, cooling stations, or cooperative marketing associations in areas controlled by the board; and such fee shall be paid by the producer to the distributor at the time of the sale, unless such payment is ordered discontinued as hereinafter provided. However, any person, firm or corporation who owns two cows or less shall be exempt from the payment of a license fee as a producer. Associations in which producers hold membership and which association holds written authority from producers to act as agent or representative in purchasing or marketing producer milk and cooperative corporations shall be exempt from the payment of a license fee as a producer, provided however that all of the member producers of or shipping to the association or cooperative corporation have themselves paid the license fee herein set for producers.

A producer-distributor, as defined by this chapter shall pay a license fee both as a producer and as a distributor, it being the intent and purpose of this chapter that a producer-distributor be licensed separately both as a producer and as a distributor. Each producer-distributor shall pay a license fee as a producer

in an amount equal to one cent (\$.01) for each one hundred pounds of milk produced for sale in this state during each license year, and he shall also pay as a distributor a license fee, the same as a distributor as provided above.

On or before the twentieth day of each month every licensed distributor and producer-distributor shall remit to the board the total amount of fees due by him as distributor fees, as producer fees and any bob-tailer fees for the preceding month. However, in remitting these fees he may deduct from the amount of the producer fees and any bob-tailer two per cent (2%) of the total of such producer fees and bob-tailer fees as compensation to him for services rendered in collecting and remitting such producer and bob-tailer fees. Any distributor or producer-distributor who fails to remit to the board license fees within the time hereinabove prescribed shall pay as a penalty an amount equal to ten per cent (10%) of the delinquent fees in addition to such delinquent fees.

A licensed cooperative marketing association shall pay the same license fee as and in the same manner as a distributor and shall collect from licensed producers from which he acquires milk whether they are members of such association or not, in the same amount and manner prescribed above for distributors to collect from and remit to the board the license fees of its licensed producers. Such association shall likewise collect and remit any fees due by any bob-tailer, the same as is provided for a distributor.

Whenever the total amount collected in a fiscal year from the license fees hereinabove provided equals the budgetary requirements of the milk control board for that fiscal year, plus the sum of twenty-five thousand dollars (\$25,000), the one-cent per hundred-weight license fee levied on licensed producers, producer-distributors, distributors, bob-tailers and cooperative associations shall be abated for the remainder of that fiscal year; and the milk control board shall notify all persons collecting license fees to stop collecting such license fees from producers and any bob-tailers and to stop remitting such license fees to the board ten days prior to the first day of any calendar month to be effective on the first of such month. All producers and bob-tailers will likewise be notified of the cut-off date.

All money received by the milk control board from license fees in excess of the actual expenditures for the fiscal year in which such money is received plus a reserve of twenty-five thousand dollars (\$25,000) shall be carried over to the next fiscal year, and may be used by the milk control board in that fiscal year for the same purposes and in the same manner that funds derived from license fees for the current fiscal year may be used. This chapter shall not apply to a person who produces

milk for his own use or for the use of his own household and who does not sell any milk produced by him, provided further that the exemption from the payment of a license herein provided for of a person owning two cows or less shall not exempt said person from complying with the provisions of this chapter or the orders of the milk control board, regulating the price of milk in a milkshed where said person sells any of the milk produced by him from such cows. A distributor, producer-distributor or bob-tailer paying a license under this section shall be exempt from payment of transient dealers license levied under section 609 of Title 51, and transient vendors and peddlers license levied under section 611 of Title 51."

Approved August 29, 1969.

Time: 12:58 P.M.

Act No. 628

S. 508—Givhan

AN ACT

TO AMEND THE PROVISIONS OF TITLE 22, SECTION 206, CODE OF ALABAMA, 1940, AS AMENDED, BY CHANGING THE DEFINITIONS OF MILK DEALER, PRODUCER, WHOLESALE PRODUCER, AND COOPERATIVE MARKETING ASSOCIATION IN THE MILK BOARD LAW.

Be It Enacted by the Legislature of Alabama:

Section 206 of Title 22, Code of Alabama, 1940, as amended, is hereby revised and amended to read as follows:

§ 206. Definitions.—As used in this chapter, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

'Milk control board' means a state agency created by this chapter, to be known and designated as the 'Alabama state milk control board,' which said milk control board shall have all the powers and duties hereinafter set out.

'Person' means any person, firm or corporation, association or partnership.

'Milk dealer' means any person who purchases, buys, sells, handles or produces milk in any way except for consumption where said milk is not to be resold or otherwise distributed. Each person, corporation, partnership or association, which, if a natural person, shall be a milk dealer within the meaning of this chapter, and any subsidiary or affiliate of such corporation similarly engaged shall be deemed a milk dealer within the meaning of this definition. A hotel, lunchstand or restaurant which sells milk intended for consumption only upon the premises where

sold; or a wholesale producer who sells his entire production to distributors; or any firm, corporation, association, or partnership, owned and controlled substantially by wholesale producers who sell the entire production to distributors or processors; or any firm, corporation, or association which wholesale producers substantially own or control or which acts as agent or representative of wholesale producers in marketing their milk; or which buys milk from another producer, producer-distributor, or distributor for the purpose of transporting such milk or for the purpose of selling, jobbing, processing or distributing such milk at wholesale or retail; or a person who buys milk for processing purposes only and who does not sell or distribute any milk for fluid milk consumption shall not be deemed a milk dealer.

'Distributor' means a person who purchases, accepts, or receives milk for the purpose of putting such milk in bottles or other unit containers in which same is designed to be sold or for the purpose of cooling, pasteurizing, standardizing or otherwise processing such milk for fluid milk consumption or who buys milk from another producer, producer-distributor or distributor for the purpose of selling, jobbing or distributing such milk at wholesale or retail for any one or more such purposes. Said term includes an association in which producers hold membership or an association which holds written authority from producers to act as agent or representative in purchasing or marketing milk and which processes and distributes said producer milk at wholesale or retail. Said term, however, excludes all persons hereinafter defined as producer-distributors.

'Producer' means a person who produces milk, any part or all of which is sold to another by whatever means or device, for use, resale or for fluid milk consumption. Said term includes an association in which producers hold membership or an association which holds written authority from producers to act as agent or representative in purchasing or marketing producer milk, but which does not process or distribute said producer milk at wholesale or retail.

'Milk shed' means any geographical area designated as a unit by the milk control board for regulatory purposes.

'Processor' means a person who buys milk only for the purpose or purposes of processing such milk into by-products of milk, but does not sell or distribute any of such milk for fluid milk consumption. Any person who buys milk, a part of which is processed into by-products and a part of which is sold or distributed for fluid milk consumption shall not be deemed a processor.

'Milk' means the lacteal secretion of a dairy animal or animals, which includes such secretions when cooled, pasteurized,

standardized or otherwise processed for the purpose of sale as milk, cream, buttermilk, skimmed milk, and flavored milk drinks.

'Fluid milk' means milk as defined above, including cream, buttermilk, skimmed milk and flavored milk drinks when sold or offered for sale by whatever device, means or method as fluid milk, but excludes milk sold in condensed or powdered form or concentrated milk contained in hermetically sealed cans.

'Consumer' means any person who purchases milk solely for personal use or for the use of his household.

'Store' means any establishment where milk is sold directly to the consumer other than for consumption upon the premises where sold.

'Producer-distributor' means a producer who distributes milk by whatever device, means or method which he produces to milk dealers, stores, hotels, cafes, hospitals, restaurant, wholesale dealers, other producer-distributors, consumers, or consumers' agents.

'Wholesale producer' means a producer who sells milk, which he produces, in bulk to distributors for resale as fluid milk. Said term includes an association in which producers hold membership or an association which holds written authority from producers to act as agent or representative in purchasing or marketing producer milk, but which does not process or distribute said producer milk at wholesale or retail.

'Licensee' means any person who holds a license from the milk control board, whether such person be a producer, producer-distributor, distributor, bob-tailer, cooling station, wholesale producer, store, or milk dealer.

'Bob-tailer' means a person, as herein defined, who purchases processed and packaged milk and controlled milk products from a distributor or producer-distributor, and resells such milk or controlled milk products in the same container in which they are purchased to either wholesale or retail outlets, or to both wholesale and retail outlets in a controlled area. No person shall be deemed to be or licensed as a bob-tailer if he, in fact, performs no legitimate sales function in the milk marketing field, nor if his sales are confined to or principally composed of sales to one organization or a group of related organizations, and his relationship with them operates to nullify the wholesale pricing provisions of the Milk Control Act.

'Cooling station' means a raw milk assembly point which, as principal or agent for another person, receives direct from producers, raw unprocessed milk and stores, cools, or holds such milk for shipment or sale to other facilities, either controlled or uncontrolled, within or without the jurisdiction of the Alabama

state milk control board. A person, firm or corporation which in any manner processes milk or packages it in any type container except a container of the type customarily used for bulk shipment of milk, or any firm, corporation, association or partnership owned and controlled entirely by wholesale producers who sell the entire production to distributors or processors, shall not be deemed a 'cooling station' within the meaning of this chapter. Nothing in the foregoing definition shall prevent a licensed cooling station from performing the routine functions of weighing, testing, sampling, and grading all milk so handled.

'Cooperative marketing association' as used in this chapter means a person who purchases, accepts or receives milk for the purpose of putting such milk in bottles or other unit containers in which same is designed to be sold, or for the purpose of cooling, pasteurizing, standardizing, or otherwise processing such milk for fluid milk consumption; or who buys or acquires milk from another producer, producer-distributor or distributor for the purpose of selling, jobbing or distributing such milk at wholesale or retail for any one or more such purposes.

For the purpose of this chapter, the Alabama state milk control board shall determine what products, persons, firms or corporations fall into the categories of the foregoing definitions, subject only to review as provided in section 226 of this chapter."

Approved August 29, 1969.

Time: 12:59 P.M.

Act. No. 629

S. 509—Givhan

AN ACT

TO AMEND THE PROVISIONS OF TITLE 22, SECTION 228, CODE OF ALABAMA, 1940, AS AMENDED, BY CHANGING THE PROVISIONS OF THE MILK BOARD LAW WITH RESPECT TO CO-OPERATIVE CORPORATIONS.

Be It Enacted by the Legislature of Alabama:

Section 228 of Title 22, Code of Alabama, 1940, as amended, is hereby revised and amended to read as follows:

"§ 228. Cooperative corporations.—It is the intent of the legislature that no provision of this chapter shall prevent, and no provision contained therein shall be deemed or construed to prevent, a cooperative corporation, organized or operated under or subject to the provisions of law applicable to cooperative marketing associations and associations and corporations who operate substantially as cooperatives and engaged in making collective sales or marketing of milk for the producers thereof.

from blending the net proceeds of all its sales in various classes and whether in fluid form or as manufactured products, both within and without the state, and paying its producers such blended price, with such deduction and for differential as may be authorized under contract between such corporation and its producers, or from making collective sales of milk of its members or other producers, or both, represented by it, at blended price, based upon sales thereof in the various classes, and whether in fluid form or as manufactured products, both within and without the state, and which price is to be paid directly to the producers or to the cooperative corporation, or from owning, holding, handling, transferring, selling, assigning, or otherwise dealing with producer quota. Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative corporation in such manner, but all such contracts shall be upon the basis of the prices and handling charges fixed by the board, with the result that the net price received for milk by the cooperative corporation shall be commensurate with such prices and handling charges; and further provided that no milk dealer shall receive from a cooperative corporation, directly or indirectly, any discounts, rebates or compensation through rentals or otherwise for the purpose or with the effect of reducing the net cost to the dealer for milk purchased by or through a cooperative corporation. Also that no provision of this chapter shall be deemed or construed to affect the contracts of such a cooperative corporation, with its producers, nor to affect or abridge the rights and powers of such a corporation except as in this chapter otherwise provided."

Approved August 29, 1969.

Time: 1:00 P.M.

Act No. 630

S. 537—Adams

AN ACT

To create and establish a Court of record with county wide limited jurisdiction of criminal cases and civil actions at law and in equity, to be called the Houston County Court; in lieu of, and to replace the law and equity Court of Houston County; to abolish the Law and Equity Court of Houston County; to provide for the jurisdiction of said Houston County Court and the officers thereof; to fix their duties, powers, authority, and compensation; to provide for the transfer of all cases pending in the abolished Court to the newly established Court, and to repeal Act No. 210, H. 479, Regular Session of the Legislature of Alabama of 1965 at Page 269, as amended, and all conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in Houston County a court with limited jurisdiction of criminal cases

and civil actions at Law and in equity, which court shall make final records in all cases except cases cognizable before justices of the peace. The court shall be known as the Houston County Court and it shall replace the Law and Equity Court of Houston County established by Act No. 210, H. 479, Regular Session 1965, which court is hereby abolished.

Section 2. All cases and actions pending in the Law and Equity Court of Houston County on the effective date of this Act shall be transferred in the court hereby created and shall proceed as though begun therein. As to judgments rendered by the abolished court (and judgments it had the power to control), the Houston County Court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgements had been rendered by it.

Section 3. (a) Except as provided in subsection (b), of this subsection, the Houston County Court shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases, including actions of unlawful detainer, actions for the recovery of possession of land, cases of desertion and nonsupport instituted by virtue of Article 3, Chapter 4, Title 34, Code of Alabama (1940), and cases involving juveniles arising under the provision of Chapter 7, Title 13, Code of Alabama (1940), which are cognizable before the circuit court, or a county court, or the Juvenile court, or justices of the peace, or courts created in lieu thereof, and all courts of like jurisdictions. In exercising jurisdiction in juvenile court cases the provisions of Chapter 7, Title 13, Code of Alabama 1940, and amendments shall apply. It shall have authority to exercise general superintendence of justice courts, and to punish contempts by fine not exceeding fifty dollars (\$50) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts of record.

(b) The Court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds two thousand dollars (\$2000.00), not take cognizance of any matter or proceeding in equity, except suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

Section 4. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 5. (a) The Houston County Court shall have four divisions, namely, law, equity, criminal and juvenile. Except as otherwise provided in this Act, the practice and procedure of the court as to parties, trial, competence of witnesses, admissibility of evidence, regulation of suits and the time within which suits may be brought shall be governed by the statutes and rules of practice and procedure governing the circuit courts. Interrogatories to adverse parties, as provided for by Article 8, Chapter 10, Title 7, Code of Alabama (1940), may be used, except that answers must be filed to such interrogatories within thirty (30) days after service of the interrogatories. If answers to the interrogatories are not filed within thirty days after service of a copy of the interrogatories, or when the answers are not full, or are evasive, the court may either attach the party and cause him to answer fully in open court, or tax him with so much costs as may be just, and continue the cause until full answers are made, or direct a nonsuit or judgment by default, to be entered, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within twenty days. In suits in equity the defendant shall have thirty days after the perfection of service on him in which to plead, answer or demur. If a defendant fails to plead, answer or demur within the prescribed time after service has been perfected on him, he shall be in default and on motion of the plaintiff judgment by default may be rendered against such defendant.

Section 6. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge or the Clerk of the court, or the deputy clerks of the court, or the District Attorney or a County Solicitor (Assistant District Attorneys for Houston County), who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) A county or assistant District Attorney (for Houston County) shall prosecute for the State all criminal cases commenced in such court. The assistant District Attorneys shall be paid a salary, the amount to be determined by the District Attorney, which salary shall not exceed \$200.00 for each month

for the aggregate of all assistant District Attorneys. This sum shall be in addition to all sums now being paid assistant District Attorneys.

Section 7. (a) The Houston County Court shall be open at all times for the transaction of business. Sessions of the court shall be held at the county courthouse at such times as the judge shall designate by orders spread upon the minutes of the court. At least one civil session and one criminal session shall be held each month. Sessions may be continued so long as may be necessary for the court to complete its business.

(b) The Sheriff shall, without additional compensation, attend the sessions of the court in person or by deputy. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the circuit court.

(c) The judge shall appoint a bailiff when he deems one necessary and the bailiff shall be compensated at the same rate as a Circuit Court bailiff.

(d) The judge shall have the same power and right to appoint an attorney to represent indigent defendants as judges of circuit courts.

Section 8. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law and for witnesses in the circuit courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts. (b) In addition to the fees for witnesses, the court shall have authority to tax costs for the uses of the county as follows: (1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100), the same as in justice courts; (2) in every other civil action at law, the same as in the circuit court (3) in each equity case, the same as in the circuit court; (4) in each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in the justice courts; (5) in every other criminal case, the same as in county courts. The court shall tax other costs as prescribed by law (both general and local acts).

(c) A trial tax of one dollar (\$1.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100). In every other civil action at law, in every suit in equity, and in every criminal case except criminal cases involving offenses of which justices of the peace have final jurisdiction, a trial tax of three dollars (\$3.00) shall be collected for the use of the county.

(d) No costs shall be taxed in juvenile cases.

(e) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Houston County, Alabama, one-half (50%) of all other fines and forfeitures collected in this court are to be paid into the general fund of Houston County, Alabama.

Section 9. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11, Title 7, Code of Alabama (1940), except that if the judgment of the court is for fifty dollars (\$50) or less the party in whose favor the judgment is rendered shall have a period of only three years in which to have a writ of fieri facias or execution levied against the property of the defendant, and the lien of such judgment registered under the provisions hereof shall continue for a period of three years from the date of such judgment in the manner set out in Section 588 of said Title 7; and if the judgment is for more than fifty dollars (\$50), the lien of such judgment when registered under the provisions hereof shall continue for a period of ten years from the date of such judgment in the manner set out in Section 585 of said Title 7.

The discovery of assets of judgment debtors as provided by Article 2, Chapter 21, Title 7, Code of Alabama (1940) may be had in this court as in circuit courts.

Section 10. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided.

(1) If the case is a civil case in the law division of the court, the appeal lies to the circuit court and shall be governed by Article 6 of Chapter 8, Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Article 1 of Chapter 3, Title 13 of the 1940 Code.

(2) If the case is in equity, the appeal lies directly to the Supreme Court of Alabama and shall be governed by the provisions of Chapter 16, Title 7 of the 1940 Code.

(3) If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by Sections 371 and 372 of Title 13 of the 1940 Code.

(4) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Section 90 of Title 13 of the 1940 Code.

Section 11. (a) A Judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1970, and every six years thereafter. His

term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) Immediately after the effective date of this Act, the Governor shall commission Hon. Don P. Bennett as Judge of the Houston County Court and the said Don P. Bennett shall hold office until his successor is elected or appointed as provided herein.

(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judgment unless he is, at the time of his appointment or election, a qualified elector of Houston County, learned in the law, and has been licensed to practice law in this State for five years. The judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

(d) The judge shall receive an annual salary equal to an amount of \$500.00 less than the base annual salary of circuit judges (as set by statute) payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid.

(e) The judge shall have authority to: (1) grant writs of certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and ne exeat; (3) administer oaths and take acknowledgments; (4) issue search warrants; (5) exercise such other powers, jurisdiction, or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits for divorce or separate maintenance and cases involving domestic relations or the custody of children.

(f) the judge shall keep an office in the county courthouse, or such other place as may be provided by the governing body of the county. His office shall be suitable equipped, furnished and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

(g) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160

of the Constitution and Section 124 of Title 13 of the 1940 Code. Such special judge shall be paid out of the general funds of the county the sum of fifty dollars (\$50) for each day he is called upon to serve during a regular session held pursuant to orders of the court duly spread upon the minutes of the court.

Section 12. (a) The circuit clerk of Houston County and the Register of the circuit court shall be the clerk and register, respectively, of the court herein established; and the clerk may appoint a chief deputy clerk which shall be in addition to the chief deputy clerk of the circuit court (and not the same person) who shall have all the power and authority that is herein given to the clerk. The judge shall appoint a clerk of the juvenile division who shall also act as a secretary to the judge. In addition to all bonds required of them, the clerk shall make bond in the sum of \$10,000.00; the register 2,000.00, and the clerk of the juvenile division \$2,000.00. The clerk of the juvenile division shall be paid a monthly salary of not less than \$300.00 per month nor more than \$500.00 and shall start at \$300.00 per month and may be raised by the judge of the court as he deems it expedient. In addition to their regular compensation, the clerk and register each shall receive for such services the sum of \$2400.00 annually, which sum shall be payable in equal monthly installments. All salaries referred to in this Section 12 (a) shall be paid from the general fund of the county. Each shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. Each shall keep a seal, which shall be the official seal adopted by the court.

(b) It shall be the duty of the clerk, register and clerk of the juvenile division, respectively, to keep all the records, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk, register, and clerk of the juvenile division, respectively, shall have power and authority: (1) to administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments, and releases; (3) to approve bonds in civil and criminal cases; (4) to enter all judgments, orders, and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks and registers of the circuit courts.

(d) the judge shall secure the services of a competent reporter to attend the sessions of the court and report all cases tried when request therefor is made by any party to a suit. He shall serve at the will and pleasure of the judge. The reporter shall receive an amount equal to the amount paid re-

porters in Circuit Courts for each day that he is called upon to serve, to be paid out of the general fund of the county, and in addition, he shall receive for his own use from the parties to suits, when they request such, for making a transcript of evidence taken by such reporter the same amount that he would be entitled to as a reporter in circuit court. He shall be required to keep his notes and records for public use and inspection. In all cases reported by the reporter there shall be taxed as part of the costs of the case a fee equal to a circuit court reporter's fee for each day or fraction thereof that such reporter shall be engaged in reporting the case, to be collected as costs as in other cases, and when collected paid into the county treasury of Houston County, Alabama.

Section 13. Act No. 210, H. 479, Regular Session of 1965 (Acts of Alabama 1965, Vol. 1, p. 289) and all acts amendatory thereof, and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This Act shall take effect on the first of the month next following the date of its enactment.

Approved August 29, 1969.

Time: 1:05 P.M.

Act No. 631

S.556—McDermott

AN ACT

Relating to counties having populations of not less than 300,000 nor more than 500,000; prohibiting the killing of unantlered male deer.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, any person who kills unantlered male deer at any time shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, for each offense. For the purpose of this act, an "unantlered male deer" is a deer who does not have mature prong antlers.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:06 P.M.

Act No. 632

S. 558—Harris

AN ACT

To make further provisions regarding the licensing of trucks and truck-tractors to allow proper credit and the quarterly declining basis under stated circumstances where a higher license than that previously issued is required for any fiscal or license year by change in gross vehicle weight allowance or in the use of the vehicle, to provide penalties for improper licensing, and to repeal all laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. If, after having obtained a license under Title 51, Section 697, for any truck or truck-tractor, the owner thereof voluntarily applies for a license of greater cost than that previously obtained, the cost of the new license shall be computed on the quarterly declining basis as of the date such license was lawfully due, and credit for the old license shall be allowed on the basis of the value of the surrendered license for the corresponding quarter, it being the intent and purpose of this act that the remaining value of the surrendered license be allowed as a credit on the purchase of the higher license and that the cost for increased weight allowance or for use as a for-hire or leased vehicle date from the time of the first use of the vehicle at the greater weight or from the commencement of the lease or the for-hire operation.

Section 2. If, by virtue of citation or assessment by any agent of the state charged with the enforcement of this act, an owner is required to purchase a license of higher cost for exceeding the allowed gross vehicle weight for which licensed or for use of the vehicle in a manner for which proper license has not been voluntarily obtained prior to such citation or assessment, the quarterly declining basis shall not be allowed and the full license must be obtained, although credit for the license previously obtained shall be allowed. A penalty of twenty-five percent of the net amount of the license due shall be collected, plus interest as now provided by law. The penalty hereby imposed may not be waived.

Section 3. All laws or parts of laws which are in conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:07 P.M.

Act No. 633

S. 604—Pelham

AN ACT

To amend Section 4 of Act No. 175, S. B. 280, Regular Session, 1951 (Acts of Alabama, 1951, Volume I, p. 416, et seq), an act providing for the incorporation of municipal water, sewer, gas and electric boards and systems.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 175, S. B. 280, Regular Session, 1951 (Acts of Alabama, 1951, Volume I, p. 416, et seq), an act providing for the incorporation of municipal water, sewer, gas and electric boards and systems, is amended so as to read as follows:

“Section 4. **POWERS OF CORPORATION.** Each corporation formed or the certificate of incorporation of which is amended under this act shall have the following powers together with all powers incidental thereto or necessary to the discharge thereof in corporate form; to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as herein-after provided; to sue and be sued and to defend suits against it; to make use of a corporate seal and to alter the same at pleasure; to acquire, purchase, construct, operate, maintain, enlarge, extend and improve any system or systems the operation of which is provided for in the certificate of incorporation of such corporation or in any amendment thereto (whether or not such system or systems were in existence and whether or not such system or systems were privately owned prior to acquisition by such corporation and whether such system or systems are located within or without or partly within and partly without, the limits of the municipality which authorized the organization of such corporation or within the limits of another municipality), and to receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real, personal and mixed property of any nature whatsoever that its board of directors may deem a necessary or convenient part of such system or systems; to borrow money for any corporate function, use or purpose, and to issue in evidence of the borrowing interest bearing bonds payable solely from the revenues derived from the operation of any one or more of its systems (regardless of the system

or systems for the benefit of or with respect to which such borrowing may be made); to pledge for payment of its bonds any revenues from which such bonds are made payable and to mortgage, pledge, or otherwise convey as security for such bonds the system or systems, the revenues from which are so pledged; to transport and to sell at wholesale all or any part of its water, gas or electric supply to any other corporation organized, or the articles of incorporation of which are amended, under the provisions of this act or under the provisions of the Alabama Code of 1940, Title 37, Sections 394 to 402, or as amended, or to any municipality for distribution to the inhabitants thereof and the surrounding territory; to transfer and to distribute and to sell, to any one or more customers, water, gas and electricity and to furnish services from any system, the operation of which is provided for in its certificate of incorporation or in any amendment thereto, and to establish and collect and alter charges for water, gas, electric and sewer services, and all services of any kind sold or furnished by it (provided that charges for services from any sewer system shall be established in such manner that there shall be no charge with respect to any portion of such sewer system that may have been paid for wholly or in part by assessments against the property specially benefitted thereby, but any person whose property is served in part by a portion of a sewer system so paid for and in part by a portion of a sewer system not so paid for may be charged an appropriate rate for the service rendered such property by a sewer disposal plant, a sewage treatment plant or any other portion of a sewer system which has not to any extent been paid for by such assessments); to adopt a schedule or rates (a) providing that the corporation may render combined statements or bills for services furnished from its systems and that it may decline to accept payment of charges for services from any of its systems without payment of charges for services from any one or more of its other systems, and (b) providing for discontinuance of service from a system or systems to any customer who shall be delinquent in payment of charges for service from any system owned by such corporation; to lease, exchange, sell, convey and otherwise dispose of its real, personal or mixed property by any form of legal conveyance or transfer; provided, however, that the governing body of the municipality in which such system authorized under this act is incorporated consents to the lease, exchange, sale, conveyance, or other disposition and such consent is evidenced by a duly adopted ordinance of the said governing body, which ordinance shall be adopted within thirty days of such lease, exchange, sale, conveyance or other disposition; to exercise all powers of eminent domain now or hereafter conferred on municipalities in this state; to appoint and employ such officers and agents, including attorneys, as its business may require; to provide for such insurance as its board of directors may deem

advisable. Any mortgage, deed of trust, or pledge agreement made by such corporation may contain such agreement as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage, deed of trust, or pledge agreement and respecting the rights or duties of the parties to such instrument or the parties for the benefit of whom such instrument is made; provided, that no such mortgage or deed of trust shall be subject to foreclosure.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:08 P.M.

Act No. 634

S. 605—Pelham

AN ACT

To amend Sections 4 and 11 of Act No. 762, S. B. 515, Regular Session, 1951 (Acts of Alabama, 1951, Volume II, p. 1319 et seq), an act providing for and authorizing the incorporation of gas districts in the State of Alabama, so as to provide that a gas district may sell and convey a gas system or systems to utility companies or corporations regulated by the Alabama Public Service Commission, and likewise at foreclosure proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 762, S.B. 515, Regular Session, 1951 (Acts of Alabama, 1951, Volume II, p. 1319 et seq), an act providing for and authorizing the incorporation of gas districts in the State of Alabama, is amended so as to read as follows:

"Section 4. POWERS OF THE DISTRICT. Each district incorporated under this act shall have each and all of the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) To have succession in its corporate name for the duration of time (which may be in perpetuity) specified in the certificate of incorporation, or until dissolved as herein provided; (2) to sue and be sued and to defend suits against it; (3) to have and use a corporate seal and alter the same at pleasure; (4) to acquire, purchase, construct, receive, own, operate, maintain, enlarge, extend and improve any one or more gas systems the operation of which is provided for in the certificate of incorporation of

the district (whether or not such system or systems were in existence or whether or not such system or systems were privately owned or municipally owned prior to the acquisition by such district); (5) to receive, acquire, take and hold, whether by purchase, gift or lease, devise or otherwise, real, personal and mixed property of any nature whatsoever that its board of directors may deem a necessary or convenient part of, or useful in connection with, such system or systems; (6) to borrow money for any corporate purpose and to issue in evidence of the borrowing interest bearing bonds payable solely from the revenues derived from the operation of any one or more of its systems; (7) to pledge to the payment of its bonds any revenues from which said bonds are made payable and to mortgage, pledge, or otherwise convey as security for such bonds the system or systems the revenues from which are so pledged; (8) to make such covenants in connection with the issuance of bonds or in order to secure the payment of bonds, as a private business corporation can make under the general laws of the state, notwithstanding that such covenants may operate as limitations on the exercise of other powers granted by this act; (9) to purchase, manufacture, produce or otherwise secure a supply or supplies of natural gas or manufactured gas or both; (10) to transport and to sell at wholesale all or any part of its gas supply to any municipality or any gas or utility board for distribution to the inhabitants of any municipality and the surrounding territory or to any other user, residential, industrial, institutional, or commercial; (11) to transport and distribute and to sell gas and to furnish gas services from its system or systems; (12) To establish, by resolution, rates and charges for its gas and gas services and to alter such rates and charges, which resolution shall be published in some newspaper of general circulation in the district, but if no newspaper is published within the limits of the district, such resolution may be published by posting a copy thereof in three public places within the limits of the district; (13) to collect and enforce collection of such charges; (14) to lease, exchange, sell, convey and otherwise dispose of its real, personal or mixed property by any form of conveyance or transfer, with it being expressly provided that a district may sell and convey a gas system or systems to utility companies or corporations regulated by the Alabama Public Service Commission; (15) to appoint and employ officers, agents, and employees, including attorneys, as its business may require, and to fix their compensation; (16) to provide for such insurance as its board of directors may deem advisable; and (17) to exercise all powers of eminent domain now or hereafter conferred on municipalities in this state."

Section 2. Section 11 of Act No. 762, S.B. 515, Regular Session, 1951 (Acts of Alabama, 1951, Volume II, p. 1319 et seq), an act providing for and authorizing the incorporation of

gas districts in the State of Alabama is amended so as to read as follows:

"Section 11. MORTGAGE, DEED OF TRUST, SECURITY AGREEMENTS. Any mortgage, deed of trust, or pledge agreement made by any district incorporated under this act for the security of any of its bonds or to define the rights, remedies and privileges of the holders of such bonds and the duties of the district to such holders, may contain such agreements, obligations, covenants and provisions as the board of directors may deem advisable respecting the operation and maintenance of the gas system or systems and the collection and application of the revenues subject to such mortgage, deed of trust, or pledge agreement, and respecting the rights and duties of the parties to such instrument or the parties for the benefit of whom such instrument is made, with it being expressly provided that any such mortgage or deed of trust may be subject to the sale of the system or systems at foreclosure to utility companies or corporations regulated by the Alabama Public Service Commission. To further secure the repayment of any money borrowed by it, any such district may enter into a contract or contracts binding itself for the proper application of the money borrowed, for the continued operation and maintenance of any gas system or systems owned or to be acquired or constructed by it, or any part or parts thereof, for the imposition and collection of reasonable rates for, and the promulgation of reasonable regulations respecting any service furnished from its gas system or systems, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the loan and the assurance that the revenues from its gas system or systems will be sufficient to operate such system or systems, maintain the same in good repair and in good operating condition, pay all reasonable insurance thereon, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves and funds as may be deemed appropriate for the protection of the loan and the efficient operation of such system or systems."

Section 3. No lease, exchange, sale, conveyance or other disposition of the real, personal, or mixed property of any district, incorporated under this act, shall be effected without the prior consent of the governing bodies of the municipalities located within the district and such consent shall be evidenced by a duly adopted ordinance of the governing bodies of such municipalities, and provided further that such consent shall be given within ninety days of any lease, exchange, sale, conveyance or other disposition of the real, personal, or mixed property of the district.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:09 P.M.

Act No. 635

S. 606—Pelham

AN ACT

To amend Title 37, Section 376, **Code of Alabama, 1940**, so as to define "electric light plant", "gas plant", and "waterworks plant".

Be It Enacted by the Legislature of Alabama:

Section 1. Section 376 of Title 37, **Code of Alabama, 1940**, is amended so as to read as follows:

§ 376. (2059) **Sale or lease authorized.**—When any city, town or municipality in this state is or may be the owner of any electric light plant, gas plant or waterworks plant, and the board of aldermen or other governing body of such city, town or municipal corporation deems it to be to the best interest of such city, town or municipal corporation, and the inhabitants thereof, to sell, lease, or dispose of such electric light plant, gas plant, or waterworks plant, such sale or disposition may be made as in this article provided.

"The term 'electric light plant', wherever used in this article, means a plant and system for the generation, manufacture and distribution of electricity, or a system for the purchase, transportation and/or distribution of electricity, together with all appurtenances thereto and all property used or useful in connection therewith, including franchises. The term 'gas plant', wherever used in this article, means a plant and system for the manufacture and distribution of gas or a system for the purchase, transportation and/or distribution of manufactured or natural gas, together with all appurtenances thereto and all property used or useful in connection therewith, including franchises. The term 'waterworks plant', wherever used in this article, means a plant and system for the gathering, collecting or impounding of water and the distribution thereof for domestic or industrial use or both, or a plant or system for the purchase, transportation and/or distribution of water for domestic or industrial use or both, together with all appurtenances thereto and all property used or useful in connection therewith, including franchises."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:10 P.M.

Act No. 636

S. 607—Pelham

AN ACT

To amend Section 6 of Act No. 154, H.B. 308, Regular Session, 1947 (General Acts of Alabama, 1947, p. 52), an act authorizing water works boards to acquire, maintain and operate gas plants and systems, so as to authorize the sale of a municipal gas plant or system to utility companies or corporations regulated by the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 154, H.B. 308, Regular Session, 1947 (General Acts of Alabama, 1947, p. 52), an act authorizing water works boards to acquire, maintain and operate gas plants and systems, is amended so as to read as follows:

"Section 6. Every city or incorporated town now or hereafter owning and operating a municipal gas plant or distribution system, and in which municipality a water works board is now or hereafter incorporated under the provisions of the Alabama Code of 1940, Title 37, sections 394 to 402, inclusive, is hereby authorized to transfer and convey such gas plant or system, or both, to such water works board, pursuant to the provisions of an ordinance theretofore duly enacted by the governing body of such city or incorporated town and without the necessity of authorization at an election of the qualified voters thereof; provided that, if at the time of such transfer the city or incorporated town has outstanding any bonds or other obligations payable from or secured by the revenues or earnings of such gas plant or system, it shall be incumbent upon the water works board of such city or incorporated town to pay the amount thereof to such city or town at the time of such transfer or thereafter, as such bonds or other obligations and interest thereon become due. The governing authority of such city or incorporated town is hereby authorized to enter into any agreements with such water works board as it deems necessary in order to effectuate such transfer, and in the instruments of transfer may impose any conditions or stipulations deemed advisable for the subsequent control, management, operation, extension and improvement of the gas plant or system by the water works board. Any water works

board to which a municipal gas plant or system is transferred to may thereafter sell or transfer such gas plant or system to utility companies or corporations regulated by the Alabama Public Service Commission; and title thereto may also be subjected to a mortgage or deed of trust as security for the repayment of any loan made or money borrowed by such water works board. No water works board shall sell or transfer such gas plant or system to utility companies or corporations regulated by the Alabama Public Service Commission except with the express consent of the governing body of the municipality in which said water works board is located, and such consent shall be expressed by a duly adopted ordinance of the municipal governing body, which ordinance shall be adopted within thirty days of the date of sale or transfer."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:12 P.M.

Act No. 637

S. 619—Pierce

AN ACT

To make an appropriation out of the general fund of the state treasury for the relief of the estate of Charles M. Pinkston.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$4,000 is hereby appropriated out of any funds in the state treasury not otherwise appropriated to Mrs. Audrey C. Pinkston, as executrix of the estate of Charles M. Pinkston, for legal services performed for the state by Mr. Pinkston and for which Mr. Pinkston received no compensation. The Legislature finds and declares that Mrs. Pinkston has a just and moral claim against the state of Alabama and has no remedy at law to recover the same.

Section 2. The state comptroller is directed to draw a warrant on the state treasurer in favor of Mrs. Audrey C. Pinkston as executrix of the estate of Charles M. Pinkston for the amount appropriated herein.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:13 P.M.

Act No. 638

S. 650—Givhan

AN ACT

To provide a method for issuing motor vehicle license tags by mail in counties having a population of not less than 55,000 nor more than 60,000 according to the last or any subsequent federal decennial census by any Judge of Probate or License Commissioner charged with the duty of issuing such license tag.

Be It Enacted by the Legislature of Alabama:

Section 1. Each Judge of Probate and License Commissioner in any county having a population of not less than 55,000 nor more than 60,000 according to the last or any subsequent federal decennial census charged with the duty of issuing motor vehicle license tags may, with the approval of the county governing body, issue such license tags by mail, using the United States Post Office, or its successor, upon the written application of a resident-owner of such motor vehicle signed by such owner requesting the Judge of Probate or License Commissioner to issue the same by mail.

Section 2. Such Judge of Probate or License Commissioner issuing motor vehicle license tags under the provisions of this act shall collect, prior to issuing the same, all taxes, fees and other charges as may be required by law to be collected by the Judge of Probate, Tax Collector, License Commissioner or such other official charged with the duty of collecting taxes, fees and other charges on motor vehicles and motor vehicle license tags, and he shall remit the same to such official charged by law with the duty of collecting such taxes, fees and other charges for distribution in accordance with law; and in addition thereto the Judge of Probate or License Commissioner shall collect a mailing fee \$1.00 which he shall pay over to the county to the credit of the general Fund.

Section 3. All costs of such mailing service conducted under the provisions of this act shall be paid by the county governing body, including forms, supplies, postage and such clerical help as might be required.

Section 4. Any Judge of Probate or License Commissioner issuing license tags under the provisions of this act shall be authorized to sign the assessment sheet or such other tax form as might be necessary on behalf of the taxpayer and such taxpayer shall be bound thereby as if he had signed the same in person.

Section 5. Any motor vehicle owner making written request for mail services under the provisions of this act shall be deemed to have appointed the United States Post Office Department, or its successor, as his agent for purposes of delivery of such license tag, and the license tag shall be presumed to have been issued to the applicant on delivery, postage prepaid, to a United States Post Office or its successor, by the Judge of Probate or License Commissioner issuing the same.

Section 6. Each Judge of Probate and License Commissioner electing to issue motor vehicle license tags under the provisions of this act may prescribe such rules and regulations for application of such license tags as he may deem reasonable necessary and may also issue notices to prior year owners by mail with prepared application forms stating the amount of taxes, fees, and other charges due.

Section 7. The provisions of this act are permissive and shall not be construed to require any Judge of Probate or License Commissioner to issue motor vehicle license tags by mail, nor shall it be construed to require any county governing body to approve the issuance of motor vehicle license tags by mail, except that without such approval no such issuance authority shall exist.

Section 8. The provisions of this act are cumulative and shall not repeal any special or local law in conflict herewith.

Section 9. Any delay in issuing motor vehicle license tags by mail under the provisions of this act shall be deemed to be the delay of the applicant.

Section 10. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved August 29, 1969.

Time: 1:15 P.M.

Act No. 639

S. 655—McDermott

AN ACT

To alter, extend and rearrange the boundary lines of the City of Saraland, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Mobile County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Saraland, Mobile County, Alabama, be, and the same are hereby altered, extended and rearranged so as to include all of the territory

heretofore encompassed by the corporate limits of the City of Saraland and in addition thereto the following described territory, to-wit:

Parcel 1. That parcel of land lying and being situate in Sections 15 and 16, Township 3 South, Range 1 West, Mobile County, Alabama, more particularly described as follows: Beginning at the northwest corner of said Section 15, thence run Easterly along the north line of said section a distance of 429 feet, more or less, to a point on the East right of way line of U. S. Highway 43, which point lies on the southern boundary of the existing City Limits of the City of Saraland, Alabama; thence run South $02^{\circ}07'45''$ West along the East right of way line of U. S. Highway 43 a distance of 2010 feet, to a point; thence run due West a distance of 1180 feet, more or less, to a point that is on the center line meander of Chickasaw Creek; thence run upstream in a Northerly and Westerly direction along the center line meander of Chickasaw Creek a distance of 8500 feet, more or less, to a point on the West boundary line of said Section 16; thence run Northerly along the West boundary of said Section 16 a distance of 940 feet, more or less, to the Northwest corner of Section 16; which point lies on the Southern boundary of the existing City Limits of the City of Saraland, Alabama; thence run Easterly along the North boundary line of said Section 16 (which is along the Southern boundary of said City Limits) a distance of 5280 feet, more or less, to the Northeast corner of Section 16, which point is also the Northwest corner of said Section 15, the initial point of beginning.

Parcel 2. That parcel of land lying and being situate in irregular Section 5 and regular Section 8, Township 3 South, Range 1 West, Mobile County, Alabama, more particularly described as follows:

Beginning at a point on the north line of said Section 5 220 feet, more or less, Westerly from the northeast corner of said Section 5, said point being also on the centerline of U. S. Interstate Highway 65 and also on the present boundary line of the City of Saraland; thence run South along the present boundary line of the City of Saraland 640 feet, more or less, to a point on the centerline of Norton Creek; thence run Southwesterly along said centerline of Norton Creek 290 feet, more or less, to a point on the Easterly right of way line of U. S. Interstate Highway 65; thence run South $33^{\circ}48'38''$ West along said Easterly right of way line of U. S. Interstate Highway 65 1580 feet, more or less, to a point at a corner of the present corporate limits; thence run South $46^{\circ}06'22''$ East along the present municipal boundary line a distance of 2047 feet, more or less, to a point at a corner of the present corporate limits; thence run South $50^{\circ}02'30''$ West along the present municipal boundary line a distance of 1166.62 feet to a point; thence run South 41°

46' West along the present municipal boundary line a distance of 1402.41 feet to a point; thence run North $00^{\circ} 27'$ West along the present municipal boundary line a distance of 228.85 feet to a point; thence run South $41^{\circ} 44'$ West along the present municipal boundary line a distance of 414.52 feet to a point; thence run South $34^{\circ} 06'$ West along the present municipal boundary line a distance of 2180 feet to a point on the centerline of U. S. Interstate Highway 65; thence run Northeasterly along said centerline of U. S. Interstate Highway 65 a distance of 7813.58 feet to the point of beginning.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time 1:16 P.M.

Act No. 640

S. 656—McDermott

AN ACT

To alter, extend and rearrange the boundary lines of the City of Chickasaw, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Mobile County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Chickasaw Mobile County, Alabama, be, and the same are hereby altered, extended and rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Chickasaw and in addition thereto the following described territory, to-wit:

All that parcel of land lying and being situate in Sections 15 and 16, Township 3 South, Range 1 West, Mobile County, Alabama, more particularly described as follows:

From the Northwest corner of said Section 15, run Easterly along the North line of said Section a distance of 429 feet, more or less, to a point on the East right of way line of U.S. Highway 43, which point lies on the southern boundary of the 1968 City Limits of the City of Saraland, Alabama; thence run South $02^{\circ}-07'-45''$ West along the East right of way line of U.S. Highway 43 a distance of 2010 feet to a point, which point is the point of beginning of the parcel herein described; thence run due West a distance of 1180 feet, more or less, to a point that is on the center line meander of Chickasaw Creek; thence run upstream in a Northerly and Westerly direction along the center

line meander of Chickasaw Creek a distance of 13,850 feet, more or less, to a point which is the common point of intersection of the center line of Chickasaw Creek, the western right of way line of U.S. Interstate Highway 65 and the eastern boundary line of the City of Prichard, Alabama; thence run southeastwardly along the western right of way line of said U.S. Interstate Highway 65 a distance of 5,200 feet to the point of intersection with the existing boundary line of the City of Chickasaw; thence run eastwardly, northwardly and eastwardly along the existing boundary line of the City of Chickasaw to a point of intersection with the west boundary line of said Section 16 3960 feet, more or less, south of the northwest corner of said Section 16; thence run South along the West boundary of said Section 16 which is along the boundary of said City Limits for a distance of 610 feet, more or less, to the point of intersection with the center line of Eight Mile Creek; thence run in a general northerly direction along and with the meander of said center line of Eight Mile Creek, which is along the boundary of said City Limits, to the point in said center line that is 1400 feet Northwardly from the South boundary of Section 16, measured at right angles to said South boundary; thence in an Easterly direction parallel to and 1400 feet from the South boundary of said Section 16, run along the boundary of said City Limits to a point on the East bank of said Eight Mile Creek; thence run along the boundary of said City Limits Northerly and Easterly along the meanderings of the said East bank of Eight Mile Creek to its junction with the West line of Chickasabogue; thence Southeasterly along and with the meanderings of said Chickasabogue, which line is the said City Limits, to its junction with the West line of U. S. Highway 43; thence continue Easterly along the South bank of said Chickasabogue for a distance of 210 feet, more or less, to its junction with the East right of way line of U.S. Highway 43; thence run North 02°-07'-45" East along the East right of way line of U. S. Highway 43 a distance of 2010 feet to the initial point of beginning on the East right of way line of U.S. Highway 43.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:17 P.M.

Act No. 641

S. 657—Harris

AN ACT

Relating to Morgan County; to authorize and regulate the issuance in such county of motor vehicle license tags by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "licensing officer," as used in this act shall mean the judge of probate, commissioner of motor vehicle licenses or other officer charged with the duty of issuing motor vehicle licenses in Morgan County.

Section 2. On or after the first day of September each year, the licensing officer, if he elects to do so, may mail an application in the form and containing the information hereinafter provided to all owners of motor vehicles listed as such in the motor vehicle license records (including transfers) in his office or, at his option, to such owners as request that such application be mailed to them. The application shall be on a form to be provided by the state department of revenue. The application form shall contain a space for the name and address of the owner of the motor vehicle and the make, model, year, and motor number of his motor vehicle and such other information with respect thereto as the state department of revenue may prescribe. The application form shall also contain a space for the correct amount of ad valorem taxes (state, county, school districts and municipal) and the amount of the motor vehicle license tax due thereon and the issuance fee, including the mailing fee provided for herein. The application form shall also contain a space for the owner to fill in his present address, if different from that shown in the application form, and a space for his signature. The licensing officer shall cause the application form to be filled in with the name and address of the owner; the description of the motor vehicle; the license tax and fees to become due on October 1st succeeding, as shown on the license registration and transfer records in his office; and the amount of ad valorem taxes on said motor vehicle for the preceding tax year as provided by Title 51, Section 704, Code of Alabama 1940, as amended. The licensing officer shall thereupon cause the application, so filled in, to be mailed to the owner of the motor vehicle at his address shown thereon, or at the address to which such owner requests that the application form be mailed. The owner of the motor vehicle, if he is still the owner of the motor vehicle and if he desires to pay his motor vehicle ad valorem taxes and license tax and secure his motor vehicle registration tag by mail, shall sign the application form, indicating thereon any change of address, and return the same by mail together with his remittance for ad valorem taxes, license taxes, and fees as shown thereon to the director of the department. Money orders and checks for the payment of such taxes and fees shall be made payable to the licensing officer. Upon receipt of the signed application form and the remittance for the amount properly due for ad valorem taxes, license tax, and fees, the licensing officer shall thereupon mail a receipt for such taxes and fees and the license tag for his motor vehicle to the owner thereof. When an application is returned

to the licensing officer, unsigned or when less than the correct amount of the taxes and fees due therefor have been paid, due to a change of address or other causes, such application shall be returned to the owner for correction or for signature. A return of such application or remittance shall not, however, extend the time within which taxes may be paid or a tag secured. If more than the correct amount of taxes and fees is received the licensing officer shall retain the correct amount of taxes and fees and return the excess together with the tag for the motor vehicle.

Section 3. All applications for motor vehicle tags by mail and the correct amount of taxes and fees shall be received by the licensing officer on or before November 5th preceding the November 15th on which the motor vehicle license tag is due and payable, and the licensing officer shall mail such tag on or before November 14th preceding such November 15th. The licensing officer shall charge and collect a fee of one dollar for each motor vehicle license tag issued by mail, in addition to all other fees prescribed by law. Such additional fee shall be paid by the owner of the motor vehicle with his mailed request for license tags, and all such fees collected by the licensing officer shall be paid into the general fund of the county. The actual expense of mailing application forms to the owners of motor vehicles and of mailing tags as hereinabove provided shall be paid from the general fund of the county upon proper warrant signed by the licensing officer and approved by the county governing body as provided by law. All the forms necessary in the administration of this Act shall be furnished by the state department of revenue.

Section 4. The procedure authorized by this Act for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedure now provided by law. Each owner of a motor vehicle shall continue to have the right to pay taxes and to receive his tag in person without the payment of the additional fee hereinabove provided.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:20 P.M.

AN ACT

To provide for and regulate participation of employees of Morgan County and of employees of cities in such county in certain retirement funds for county and city employees, when the compensation of such employees is paid in part by the county or in part by the city and in part from public funds from other sources; to authorize the county and cities therein to contribute to such retirement funds on the basis of such employee's total compensation from all sources; and to authorize provision for such participation to be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. In the case of an employee whose compensation is paid in part by Morgan County and in part by public funds from some other source, the governing body of Morgan County may provide for the participation in any existing retirement fund for the benefit of county employees by such employee, if he is otherwise eligible therefor, on the basis of his total compensation from all sources, rather than just the part thereof paid from county funds; provided such employee elects to participate in such fund on the basis of his entire compensation and agrees to pay and pays one-half of the required contribution thereto based on his entire compensation. The county governing body is hereby specifically authorized to make the provision for such participation retroactive to the date of the beginning of any existing retirement fund or the date of employment of such employee, whichever is later.

Section 2. In the case of an employee whose compensation is paid in part by a city in Morgan County and in part by public funds from some other source, the governing body of such city may provide for participation in any existing retirement fund for the benefit of employees of such city, by such employee, if he is otherwise eligible therefor, on the basis of his total compensation from all sources rather than just the part thereof paid from city funds; provided such employee elects to participate in such fund on such basis and agrees to pay and pays one-half of the required contribution thereto based on his entire compensation. The city governing body is hereby specifically authorized to make provision for such participation retroactive to the date of the beginning of any such existing retirement fund or the date of employment of such employee whichever is later.

Section 3. For the purposes of Section 1 of this Act any person whom the county governing body of Morgan County is authorized to employ or to approve the employment of or to fix the compensation of, but whose compensation is paid partially from county funds and partially from public funds from other sources, shall be deemed a county employee. For the purposes of Section 2 of this Act any person whom the city governing body

is authorized to employ, or approve the employment of or to fix the compensation of, but whose compensation is paid partially from city funds and partially from public funds from other sources, shall be deemed a city employee.

Section 4. This Act shall not operate to authorize the governing body of Morgan County to contribute to a retirement fund for any employee for whom any city in Morgan County is contributing to a retirement fund; nor shall it operate to authorize the governing body of any city in Morgan County to contribute to any retirement fund on behalf of an employee for whom Morgan County is contributing to a retirement fund. If any employee whose compensation is paid partially from funds of Morgan County and partially from funds of any city therein is eligible to participate in a retirement fund for Morgan County employees and also in a retirement fund for employees of such city, then such employee shall elect which of these retirement funds he desires to join; and the county or the city, as the case may be, shall provide for such employee's participation in the fund of his choice, as authorized in this Act.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:21 P.M.

Act No. 643

S. 659—Harris

AN ACT

To authorize the county boards of education of Limestone and Morgan Counties and the city boards of education of any cities in such counties having independent school systems to fix and collect tuition fees and charges from pupils attending schools under the respective jurisdictions of such boards, but who live outside the territory over which such boards of education have jurisdiction.

Be It Enacted by the Legislature of Alabama:

Section 1. The county board of education of Limestone County and the county board of education of Morgan County are each hereby authorized to fix and collect reasonable tuition fees or charges to be paid by any pupil attending a school under the jurisdiction of such county board of education, when such

pupil resides outside the county or resides within the corporate limits of a city or town within the county, which has an independent city school system.

Section 2. A city board of education of any city in Limestone County or any city in Morgan County which has an independent city school system may fix and collect reasonable tuition fees and charges to be paid by any pupil attending a school under the jurisdiction of such city board of education, when such pupil resides outside the corporate limits of the city.

Section 3. The proceeds of all fees fixed and collected as herein authorized shall be used and expended for such public school purposes as the board of education having jurisdiction of the school, where the pupil paying such tuition fees or charges is enrolled, directs.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act is cumulative and it shall be construed in pari materia with other school laws, nevertheless all laws or parts of laws which conflict with this Act are hereby repealed, and the provisions of Code of Alabama 1940, Title 52, Sections 142 and 176, insofar as they conflict with this Act are superseded by this Act.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:22 P.M.

Act No. 644

S. 677—McDermott

AN ACT

Relating to counties having populations of not less than 300,000 and not more than 500,000; authorizing municipalities in such counties to contract with any public corporation operating a water system or water and sewer system or sewer system within the municipality to collect or assist in the collection of the municipal garbage service charge.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Section 2. Any public corporation organized under the laws of this state for the purpose of operating a water system or a

water and sewer system or sewer system in any municipality in a county to which this Act applies shall have authority to enter into contract with any municipality in such county in which such corporation furnishes water or sewer service, to collect or assist in the collection of the garbage service charge of said municipality. Any such contract may contain such provisions and terms as may be mutually agreed on by the parties thereto, including provisions respecting the furnishing of water by such corporation to said municipality and its residents; provisions respecting the collection and remittance by such public corporation of garbage service charges; and provisions for the discontinuance of water by any such water corporation to any water customers if such customer fails to pay within a reasonable time as shall be designated by such municipality, any garbage service charge due, and for reinstatement of water service thereafter.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:23 P.M.

Act No. 645

S. 682—Harris

AN ACT

To fix the compensation of the members and the chairman of the Board of Revenue and Control of Morgan County; and to repeal Act No. 437, H. 937 of the Regular Session of 1951 (Acts, Regular Session 1951, p. 789) and all acts amendatory thereof, and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of Revenue and Control of Morgan County shall each receive an annual salary of nine thousand six hundred dollars (\$9,600), to be paid in equal monthly installments on the second Monday in each month. Such salary shall be in lieu of all other compensation, fees, allowances and expense accounts, heretofore provided them by law, except that each member of such board may be reimbursed for his actual expenses incurred when travelling out of Morgan County in the performance of his official duties.

Section 2. The chairman of the Board of Revenue and Control of Morgan County shall receive as compensation for his services an annual salary of fourteen thousand five hundred dollars (\$14,500) to be paid in monthly installments on the second Monday in each month. Such salary shall be in lieu of all other compensation, fees, allowances and expense accounts heretofore provided the chairman by law, except that he may be reimbursed for his actual expenses incurred when travelling out of Morgan County in the performance of his official duties.

Section 3. Act No. 437, H. 937, of the Regular Session of 1951 (Acts, Regular Session 1951, p. 789) and all acts amendatory thereof are hereby specifically repealed. All other laws or parts of laws in conflict herewith are also repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on the first Monday after the second Tuesday in January 1971.

Approved August 29, 1969.

Time: 1:24 P.M.

Act No. 646

S. 683—Harris

AN ACT

To amend further Act No. 70, H. 346, Regular Session 1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for clerical assistance, in relation to the compensation of the judge and his clerical assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 70, H. 346, Regular Session 1943 (Local Acts 1943, p. 34), an act placing the judge of probate of Morgan County on a salary basis and providing for his clerical assistance, as amended, is further amended to read as follows:

“Section 1. The judge of probate of Morgan County, Alabama, shall receive an annual salary of fourteen thousand dollars (\$14,000). Such salary shall be in lieu of all other compensation, commissions, allowances, fees, costs, percentages and emoluments to such office, except as herein otherwise provided.”

Section 2. Section 4 of said Act No. 70, Regular Session 1943, as amended, is further amended to read as follows:

“Section 4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of the county,

shall provide the judge of probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants. The judge shall have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of such clerks and assistants shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor. The board shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, as conditions and circumstances may warrant."

Section 3. Section 1 of this act shall become effective upon the expiration of the term of the incumbent judge of probate of Morgan County. Section 2 of this act shall become effective immediately upon the passage and approval of this act by the Governor, or upon its otherwise becoming law.

Approved August 29, 1969.

Time: 1:25 P.M.

Act No. 647

S. 702—Harris

AN ACT

To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory:

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the City of Hartselle, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

That part of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township 7 South, Range 4 West lying East of the Easterly right-of-way line of the Louisville and Nashville Railroad; and that part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, Township 7 South, Range 4 West lying East of the Easterly right-of-way of the Louisville and Nashville Railroad.

SECTION 2. This Act shall be effective immediately upon the passage and approval by the Governor.

Approved August 29, 1969.

Time: 1:26 P.M.

Act No. 648

S. 724—Givhan

AN ACT

To make a conditional appropriation from the state treasury for the construction, equipment and furnishing of a substation in Dallas County for the Department of Public Safety.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated to the use of the Department of Public Safety for the construction, equipment and furnishing of a substation of the Department of Public Safety in Dallas County. The appropriation made herein is conditional upon the condition of the treasury, as ascertained by the Governor, and shall be released only upon orders of the Governor.

Approved August 29, 1969.

Time: 1:27 P.M.

Act No. 649

S. 725—Gilmore, Vacca, Bailes, Skidmore,
Morrow, Hawkins, Dominick,
Childs

AN ACT

To make an appropriation to the University of Alabama Medical Center for the planning and initiation of the School of Community and Allied Health Resources.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the University of Alabama Medical Center the sum of \$50,000.00 for each of the fiscal years ending September 30, 1970 and September 30, 1971 from the Alabama Special Educational Trust Fund for the necessary surveying and planning and initiation of the School of Community and Allied Health Resources in Birmingham, Alabama.

Section 2. This Act shall become effective October 1, 1969.

Approved August 29, 1969.

Time: 1:28 P.M.

Act No. 650

S. 734—Jackson

AN ACT

Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; pertaining to the board of revenue, board of county commissioners, or other like governing body and to the county engineer of said counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to the Board of Revenue, Board of County Commissioners, or other like governing body and to the county engineer of every county in the state having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census.

Section 2. Said county governing bodies shall be authorized to appoint a county engineer and the salary, authority and duties of said engineer shall be such as are set forth in the general laws of the State of Alabama or as may be fixed or designated by said county governing bodies.

Section 3. Said county governing bodies shall designate the person or persons authorized to make written requisitions upon the county purchasing agent for all articles, materials, supplies and equipment necessary for the construction, repair, and maintenance of roads and bridges within said counties.

Section 4. Said county governing bodies shall have all the jurisdiction and powers which are, or which hereafter may be, vested in boards of revenue, boards of county commissioners, or other like county governing bodies by the general laws of the State of Alabama.

Section 5. Said county governing bodies shall fix, from time to time, in accordance with prevailing economic conditions, the scales of salaries or wages to be paid for labor necessary for the construction, repair, and maintenance of the county roads and bridges.

Section 6. All laws or parts of laws in conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective October 1, 1969.

Approved August 29, 1969.

Time: 1:29 P.M.

Act No. 651

S. 735—Jackson

AN ACT

Relating to counties having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census; providing for a temporary chairman of the board of revenue, board of county commissioners, or other like governing body of said counties should the elected chairman become ill or otherwise incapacitated.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to the Chairman of the Board of Revenue, Board of County Commissioners, or other like governing body of every county in the State having a population of not less than 33,000 nor more than 35,000, according to the most recent federal decennial census.

Section 2. In the event said chairman becomes ill or otherwise incapacitated from fulfilling his duties as such, said governing body is authorized to elect from its membership a temporary chairman and said temporary chairman shall have all of the powers, duties and authority as granted to the chairman under the general laws of the State of Alabama and under any and all local acts pertaining to said counties affected by this act.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:30 P.M.

Act No. 652

S. 736—Jackson

AN ACT

Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners; providing for the appointment and salary of the Chief Clerk; amending Sections 2, 4 and 6 of Act #411, H. 742, Regular Session 1963; and repealing Act No. 724, H. 1240, Regular Session 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 411, H. 742, Regular Session 1963 (Acts, 1963, p. 912) is amended to read as follows:

“Section 2. A chairman of the Board shall be elected by the qualified electors of the county at the general election of state and county officers in 1964, and every four years thereafter, and shall hold office for a term of four years from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The chairman must possess the same qualifications for office as the general law prescribes for probate judges. He shall be entitled to an annual salary of Six Thousand Six Hundred dollars (\$6,600.00) payable from the county treasury in equal monthly

installments, which shall be his entire compensation for performance of the duties of his office and all ex officio duties imposed by law. In addition, he shall be entitled to an allowance for expenses for performing his duties within Escambia County in the amount of Two Thousand Four Hundred Dollars (\$2,400.00) per annum, which shall be payable from the county treasury in equal monthly installments.

Section 2. Section 4 of said Act is amended to read as follows:

"Section 4. The associate members of the Board shall each receive an annual salary of Five Thousand Four Hundred (\$5,400.00) Dollars. The salaries of the associate members of the Board shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, and shall be their entire compensation for the services required of them by this Act. In addition to his salary, each member of the Board shall also be entitled to an allowance for expenses for performing his duties within Escambia County in the amount of One Thousand Eight Hundred Dollars (\$1,800.00) per annum which shall be payable from the county treasury in equal monthly installments."

Section 3. The last sentence in Section 6 of said Act is amended to read as follows:

"Section 6. The Board may appoint one (1) Chief Clerk with a salary to be fixed by the Board, which salary shall be paid by the County, and may also appoint such clerical assistants as may be necessary."

Section 4. Act 724 H. 1240, Regular Session 1965 is repealed in its entirety.

Section 5. This Act shall become effective October 1, 1969.

Approved August 29, 1969.

Time: 1:31 P.M.

Act No. 653

S. 737—Jackson

AN ACT

Relating to Escambia County; providing salaries for the sheriff's deputies and fixing number of deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Escambia County shall be authorized to employ not more than eight deputies, including jailers and clerks. The salaries of said deputies to be paid out of the

general fund of the county and to be within the limits set out below.

Section 2. The chief deputy shall be entitled to a salary of not less than \$550.00 per month and not more than \$600.00 per month.

Section 3. The second deputy shall be entitled to a salary of not less than \$525.00 per month and not more than \$575.00 per month.

Section 4. The sheriff of said county shall be authorized to employ three deputies to be assigned to such municipalities outside of the corporate limits of the county seat as shall be designated by the sheriff. The deputies so employed by the sheriff pursuant to this section shall be entitled to a salary of not less than \$460.00 per month and not more than \$510.00 per month.

Section 5. The two deputies acting as jailers shall be entitled to a salary of not less than \$400.00 per month and not more than \$450.00 per month.

Section 6. The deputy acting as clerk shall be entitled to a salary of not less than \$350.00 per month and not more than \$400.00 per month.

Section 7. The salaries provided for in this act shall be in lieu of any and all compensation now provided by law for sheriff's deputies in Escambia County.

Section 8. The salary actually to be paid to each deputy, within the limits provided by this act, shall be determined by the Board of County Commissioners or other governing body of said County.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:32 P.M.

TO ALTER AND REARRANGE THE BOUNDARY LINES OF THE CITY OF BREWTON, ALABAMA SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY IN ESCAMBIA COUNTY, ALABAMA CONTIGUOUS TO SAID CITY.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the City of Brewton, Escambia County, Alabama, be and the same are altered and rearranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory described as follows:

Northwest Quarter of Northwest Quarter ($NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section Fifteen (15), Township Two (2), Range Ten (10).

The North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$), and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section Sixteen (16), Township Two (2) North of Range Ten (10) East.

The Southeast Quarter ($SE\frac{1}{4}$) of Section Nine (9), Township Two (2) North of Range Ten (10) East.

All of the North Half ($N\frac{1}{2}$) of Section Nine (9), Township Two (2) North of Range Ten (10) East that lies East and South of the Old Castleberry Road.

All of the South Half of the South Half ($S\frac{1}{2}$ of $S\frac{1}{2}$) of Section Four (4), Township Two (2) North of Range Ten (10) East that lies South and East of the Old Castleberry Road.

All of the Southeast Quarter of Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Four (4), Township Two (2) North of Range Ten (10) East that lies North and East of the Old Castleberry Road.

The North Half of Southwest Quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Four (4), Township Two (2) North of Range Ten (10) East.

The South Half of Northwest Quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$) and the Southwest Quarter of Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$); all in Section Four (4), Township Two (2) North of Range Ten (10) East.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

Approved August 29, 1969.

Time: 1:33 P.M.

Act No. 655

S. 744—Oden

AN ACT

Relating to counties having populations of not less than 22,500 nor more than 24,550; to provide for the qualifications of the superintendent of education in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to any county having a population of not less than 22,500 nor more than 24,550 according to the most recent federal decennial census.

Section 2. No person shall be eligible for election or appointment to the office of superintendent in any such county who does not submit proof to the state superintendent of education,

(1) that he has had three years of successful educational experience as a teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration during the five years next preceding his appointment or election; and

(2) that he holds a Class A. Rank 1 (or higher) superintendent-principal professional certificate in administration and supervision based upon requirements established by the state board of education for such certificate.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:34 P.M.

Act No. 656

S. 746—Harris

AN ACT

To provide for expense allowances of members of Boards of Education of all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, with retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent

federal decennial census, each member of the County Board of Education, including the chairman, shall, in addition to other expense allowances permitted by law, be reimbursed for actual expenses while out of the county in performance of his duty.

Section 2. The provisions of this Act shall be retroactive to September 7, 1967.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:35 P.M.

Act No. 657

S. 751—Clark

AN ACT

To establish the Alabama Development Office; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies and private groups and institutions engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the appointment of the Director of Development and the employees of the Alabama Development Office; to define the powers and duties of the Alabama Development Office; to transfer to the Alabama Development Office all the functions, powers, authority and duties and all the books, records, supplies, equipment and personnel heretofore had, exercised, used or employed by the State Planning and Industrial Development Board; to repeal all laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Findings and purpose. The Legislature finds and declares that:

(1) the people of this state have a fundamental interest in the orderly development of the state and its regions;

(2) the state has a positive interest in the preparation and maintenance of long-term, comprehensive plans for the economic, physical and human resource development of the whole state and of each of its regions which plan can serve as a guide for local governmental units and state departments and agencies;

(3) the continued growth of the state, particularly in urban areas, and the readjustment of the people to the changed economy of the state, present problems which can best be solved by overall state planning guidance for their solution;

(4) local governmental planning and program implementation can be strengthened when done in relation to and coordinated with the planning efforts and program implementation of the state and of the regions of the state;

(5) orderly and harmonious coordination of state and local plans and programs with those of the Federal Government, state and regional planning and programming requires direct leadership by the governor.

It is the purpose of this act to promote the development of the state's human, economic, and physical resources, and to promote the health, safety, and general welfare of its citizens, by creating within the executive branch, an agency for comprehensive statewide planning and economic development. The agency shall act as an advisory, consulting, and coordinating agency to harmonize activities at all levels of government, render planning assistance to governmental units, and stimulate public interest and participation in the human resource, economic and physical development of the state.

Section 2. Alabama Development Office. Creation and organization. (a) There is hereby created the Alabama Development Office within the office of the Governor and directly under his supervision and control. The Alabama Development Office shall consist of the Governor as the state planning and development officer, a chief administrative officer to be designated as Director of Development, who shall be appointed by the Governor and serve at his pleasure at a salary to be set in the same manner and with the same limitations as otherwise provided by law for executive department heads. All other employees necessary to carry out the duties and functions of the Alabama Development Office shall be employed subject to the provisions of the Merit System Law. (b) The Governor, through the Alabama Development Office, shall encourage comprehensive and coordinated planning and programming of the affairs of state government. (c) The Governor may direct any state department or other agency of state government directly under his control and supervision to furnish the Alabama Development Office with such personnel, equipment, and services as are necessary to enable it to carry out its responsibilities and duties, prescribe the terms thereof, including reimbursement of costs thereof.

Section 3. State Industrial Development Board. (a) The name of the State Planning and Industrial Development Board, created and existing pursuant to Act No. 342, H. 41 of the Regular Session 1955 (Acts of Alabama, Regular Session 1955, p. 765), is hereby changed to the State Industrial Development Board. Such Board is also hereby divested of all its authority relative to state and local planning, including the authority to prepare and carry on a state master plan and an assistance program to counties and municipalities in the preparation of comprehensive physical plans for such counties and towns. After this act becomes effective such board shall have no authority nor shall it exercise any of the functions, powers, authority or

duties formerly vested in the State Planning Board and the director thereof and by the above cited act transferred to and vested in the State Planning and Industrial Development Board. The director of the Alabama Development Office created by this Act shall be the Director of the State Industrial Development Board. (b) **The State Industrial Development Board. Powers and duties.** The State Industrial Development Board shall consult with the Governor and the Director of the Alabama Development Office and advise the Governor of the industrial possibilities of the state and shall furnish him with such information and studies as it deems desirable to accomplish a comprehensive program for the promotion of the commercial and industrial development of the state and the counties and municipalities thereof. All of the provisions of law relative to the creation and appointment of the State Planning and Industrial Board are hereby continued and confirmed and hereafter shall apply to the State Industrial Development Board and the director of the Alabama Development Office.

Section 4. Advisory Committees or Councils. The Governor, in carrying out his responsibilities under this Act, may establish advisory committees or councils and appoint the members thereof, who shall serve at his pleasure. Members shall serve without compensation, but shall be reimbursed for the necessary expenses incurred in the performance of their duties. The Governor shall designate the chairmen and such other officers as he may deem necessary for each advisory committee or council. Advisory committees or councils established pursuant to this section shall meet at the call of their chairmen, or of the Director of Development.

Section 5. Alabama Development Office: General Powers, Duties and Functions. The Alabama Development Office shall be the principal staff agency of the executive branch to plan with the other departments of state government and with other governmental units for the comprehensive development of the state's human, economic and physical resources and their relevance for programs administered by the state and the governmental structure required to put such programs into effect. It shall provide information, assistance, and staff support by all appropriate means. The Alabama Development Office shall perform all the duties and exercise all the powers and authority relative to state regional and local planning and industrial development heretofore vested in the State Planning and Industrial Development Board. All the functions, powers, authority and duties relative to carrying on a planning program for the promotion of the commercial and industrial development of the state and the counties and the municipalities thereof, including the preparation of a state master plan as well as the authority to provide an assistance program to regions, counties and municipi-

palties in the preparation of comprehensive physical plans for such regions, counties and municipalities vested by Act No. 342, H. 41 of the Regular Session of 1955 (Acts of Alabama, 1955 Regular Session, Vol. 2, p. 765) in the State Planning and Industrial Development Board, are confirmed, continued, transferred to and hereafter shall be vested in the Alabama Development Office. All books, records, supplies, funds, equipment and personnel of the State Planning and Industrial Development Board are also hereby transferred to the Alabama Development Office.

All of the powers and authority heretofore vested in the Alabama Program Development Office, created by Executive Order of the Governor Number 2, dated July 17, 1968, are confirmed, continued, transferred to and hereafter shall be vested in the Alabama Program Development Office created by this Act. All books, records, suppliers, funds, equipment and personnel of the Alabama Program Development Office heretofore created by Executive Order of the Governor are hereby transferred to the Alabama Development Office.

Without in any way limiting the foregoing general powers and duties, the Alabama Development Office shall have the following additional powers and duties:

- (1) to formulate a long-range state comprehensive plan, to be submitted by the governor to the legislature for its consideration;
- (2) to formulate, for approval by the governor and the legislature, long-range plans and policies for the orderly and coordinated growth of the state, including but not limited to, functional plans;
- (3) to prepare special reports and make available the results of the agency's research, studies, and other activities, through publications, memoranda, briefings, and expert testimony;
- (4) to analyze the quality and quantity of services required for the continued orderly and long-range growth of the state, taking into consideration the relationship of activities, capabilities, and future plans of local units of government, area commissions, development districts, private enterprise, and the state and federal government;
- (5) to encourage the coordination of the planning and programming activities of all state departments, agencies and institutions, local levels of government, and other public and private bodies within the state;
- (6) to advise and consult with regional, county and local planning and development agencies;

(7) to work with the state budget agency and other state departments, agencies, and institutions to study and review plans, programs and federal aid applications filed with the Federal Government;

(8) at the direction of the governor, and in cooperation with the state budget agency, survey, review and appraise the accomplishments of state government in achieving its goals and objectives;

(9) to apply for and accept advances, loans, grants, contributions and any other form of assistance from the federal government, the state, or other public body, or from any sources, public or private, for the purposes of this act, and enter into and carry out contracts or agreements in connection therewith; and include in any contract for financial assistance with the federal government such conditions imposed pursuant to federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this act;

(10) to review and comment on all local and areawide applications for federal planning assistance, or delegate such authority to a regional planning and development commission;

(11) to exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations. The Alabama Development Office is hereby authorized to make grants from said appropriations to regional planning and development commissions which are certified to receive such grants by the Governor under the provisions of an act passed during the Regular Session of the Alabama Legislature, 1969, being S.B. 378, an act to provide for the delineation and designation of state planning and development districts and to authorize the governing bodies of counties and municipalities to establish regional planning and development commissions.

Section 6. All appropriations heretofore or hereafter made to the Industrial Development Board, the Planning and Industrial Development Board (Community Planning) and the Alabama Development Office heretofore established by Executive Order of the Governor are hereby consolidated and transferred to the Alabama Development Office.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective October 1, 1969.

Approved August 29, 1969.

Time: 1:36 P.M.

Act No. 658

S. 757—Oden

AN ACT

To amend Section 12 of Act No. 211, S. 107, Regular Session 1945 (Acts 1945, p. 330 at p. 334), an Act relating to the construction, maintenance and operation of public hospitals, health centers and related facilities, so as to provide for the leasing of such public hospitals, health centers and related facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 211, S. 107, Regular Session 1945 (Acts 1945, p. 330 at p. 334), an Act relating to the construction, maintenance and operation of public hospitals, health centers and related facilities, so as to provide for the leasing of such public hospitals, health centers and related facilities, is hereby amended to read as follows:

“Section 12. (a) Any district or regional hospital association is hereby authorized and empowered to exercise the following powers in addition to others herein granted: (1) to cooperate with the State Board of Health for the purpose of constructing, equipping, maintaining, and operating a hospital by making appropriate application to the State Board of Health; to enter into a cooperative contract with the State Board of Health for this purpose; (2) to act as an agent for the State Board of Health under a cooperative contract to prepare, carry out, and operate hospital projects; to provide for the construction, reconstruction, improvement, alteration, or repair of any hospital or any part thereof; to take over by purchase, lease or otherwise, any hospital; to manage as agent of the State Board of Health any hospital constructed or owned by the association; to arrange with any appropriate local or state agencies for the opening or closing of streets, roadways, alleys, or other transportation facilities; to lease or rent any land, building, structure, or facility needed in the operation of the hospital; to enter upon buildings or property in order to conduct investigations or to make surveys or soundings; to purchase, obtain options upon, acquire by eminent domain, gift, grant, bequest, devise, or otherwise, any property, real or personal, or interest therein from any person, firm, corporation, city, county or government; to sell, exchange, transfer, assign, or pledge any property, real or personal, or any interest therein to any person, firm, corporation, city, county or government; to own, hold, clear and improve property; to insure or provide for insurance of the property or operation of the association against such risks as the association may deem advisable; to borrow money upon its bonds, notes,

warrants, debentures, or other evidences of indebtedness and to secure the same by pledges of its revenues; to have perpetual secession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the association; to make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this Act, to carry into effect the powers and purposes of the association; to do all things necessary to carry out the powers given in this Act. (b) The directors of any district or regional hospital association, together with the governing bodies of the counties comprising such association are hereby authorized and empowered to lease hospitals, clinics or hospital facilities to such persons, firms, partnerships, associations or corporations and on such terms as they deem to be necessary and appropriate and consistent with the maintenance of public health services and facilities."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:37 P.M.

Act No. 659

S. 764—Giles

AN ACT

Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, the judge of the county court shall have the power and authority to appoint a bailiff to serve such court. Each bailiff so appointed shall receive a salary of sixty-two hundred dollars (\$6,200) per annum payable in equal monthly installments out of the treasury of the county upon warrant of the president or chairman of the board of revenue or other like governing body of the county. Each bailiff so appointed shall hold office at the will and pleasure of the judge so appointing him.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective on the first day of the month following its enactment.

Approved August 29, 1969.

Time: 1:38 P.M.

Act No. 660

S. 766—Stone

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census.

Section 2. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in any county to which this Act applies on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 3. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 4. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white

quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 5. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section, and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 6. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extended later than March 31 of any year.

Section 7. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Con-

servation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 8. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 9. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 10. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting preserve license upon proof that any such violations have occurred thereon.

Section 11. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 12. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:39 P.M.

Act No. 661

S. 777—Clark

AN ACT

To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census, may appropriate from any monies in either the general fund or the road and bridge fund of the county, not otherwise appropriated, the sum of five thousand dollars (\$5,000) for the relief of Mrs. Helen D. Denton of Union Springs, Bullock County. Such sum shall be provided to said Mrs. Denton as compensation for property damages and for personal injuries and medical expenses incurred as a result of a collision between a motor vehicle operated by the said Mrs. Denton and a county-owned automobile, operated by a member of the county governing body, while acting in the line and scope of his duties as such member. The Legislature finds and declares that the claim of the said Mrs. Helen D. Denton is a moral and just claim against the county but the claimant has no recourse at law to recover her damages, hence this enactment.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:40 P.M.

Act No. 662

S. 781—Harris

AN ACT

To provide for and regulate the employment and the compensation out of the county treasury of a deputy clerk and other assistants to the clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk of the Circuit Court of Morgan County and of the Morgan County Court of Morgan County shall appoint a deputy clerk and such assistants as may be necessary for such courts. The deputy clerk shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by the circuit clerk by whom the deputy clerk is appointed. The compensation of the deputy clerk and other assistants shall be fixed by the circuit clerk and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy clerk and other assistants payable by the county shall not exceed such sum as the Board of Revenue and Control or other governing body of Morgan County shall allow therefor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 64, H. 259, of the Regular Session of 1947 (Local Acts 1947, p. 45), Act No. 331, H. 833, of the Regular Session of 1963 (Acts 1963, p. 813) which amends said Act no. 64, and all other acts amendatory thereof are specifically repealed; and all other laws or parts of laws in conflict herewith are also repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:41 P.M.

Act No. 663

S. 782—Harris

AN ACT

To amend further Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an Act fixing the compensation or salary to be paid the tax assessor of Morgan County and providing clerical assistance for his office, relative to the compensation of the clerical assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 361, H. 878, Regular Session 1939 (Local Acts 1939, p. 248), an Act fixing the compensation of the tax assessor of Morgan County and providing him clerical assistance, as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax assessor, but the tax assessor shall select such clerks, deputies and assistants and fix their compensation, but the combined salaries or compensation of such clerks, deputies, and assistants selected by him shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor. The tax assessor shall have the right to discharge such clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the books, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to the tax assessor from time to time as conditions may warrant."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:42 P.M.

Act No. 664

S. 783—Harris

AN ACT

To provide for and regulate the employment and the compensation out of the county treasury of a deputy register and other assistants to the register of the circuit court of Morgan County and the Morgan County Court of Morgan County; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The register of the circuit court of Morgan County and the Morgan County Court of Morgan County shall appoint a deputy register and such assistants as may be necessary for such courts. The deputy register shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by the register by whom the deputy is appointed. The compensation of the deputy register and other assistants shall be fixed by the register and shall be paid in equal monthly installments out of the general fund of the county, but the combined compensation of the deputy register and the assistants, payable by the county, shall not exceed such sum as the Board of Revenue and Control or other governing body of Morgan County shall allow therefor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. Act No. 68, H. 263, Regular Session 1947 (Local Acts, 1947, p. 51) Act No. 333, H. 836, Regular Session 1963 (Acts, 1963, p. 814), which amends said Act No. 68 of 1947, and all other acts amendatory thereof are hereby specifically repealed; and all other laws or parts of laws in conflict herewith are also repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:43 P.M.

Act No. 665

S. 784—Harris

AN ACT

To amend further Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts 1965, v. 1, p. 762); to amend such Act in relation to the appointment and compensation of the clerk of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 520, H. 1154, Regular Session 1965, an Act creating a jury commission for Morgan County (Acts, Regular Session 1965, v. 1, p. 762), as amended, is further amended to read as follows:

“Section 3. The ex officio members of the jury commission of Morgan County shall not be entitled to any remuneration

whatever for the performance of their duties as jury commissioners. The appointed members of the commission shall be entitled to compensation at a rate of ten dollars a day for each day's service, but not exceeding nine hundred dollars, each, per annum. The commission is authorized and empowered to employ a clerk to serve under the direction of the commission and to perform the duties encumbant upon such clerk under the general laws of the State of Alabama as prescribed in Chapter 2 of Title 30, Code of Alabama 1940, and the commission shall fix and prescribe the compensation to be paid to such clerk, which such compensation shall be not less than nine hundred dollars, and not more than fifteen hundred dollars per annum, which such compensation, as fixed by the commission, shall be paid to the clerk in equal monthly payments, out of the county treasury upon the order of the President of the commission."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:44 P.M.

Act No. 666

S. 785—Harris

AN ACT

To amend further Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, relative to the compensation of the clerical assistants.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 464, H. 879, Regular Session 1939 (Local Acts 1939, p. 278), an act fixing the compensation or salary to be paid the tax collector of Morgan County and providing him clerical assistance, as amended, is amended further to read as follows:

"Section 3. The Board of Revenue and Control or like governing body of Morgan County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the tax collector, but the tax collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of such clerks, deputies and assistants selected by him shall not exceed such sum as the Board of Revenue and Control or other county governing body shall allow therefor. The tax collector shall have the right to discharge such clerks, deputies and assistants at will, as they shall serve only at his pleasure.

The salaries or compensation of the clerks, deputies and assistants shall be paid in equal semi-monthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the county as required by law, but the tax collector shall furnish all necessary reports, registers, and list of qualified voters as required by law, without additional charge or compensation therefor. The compensation of the clerks and assistants shall be paid in semi-monthly installments upon their filing with the chairman of the board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of the tax collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County shall have authority to raise and lower the allowances for the clerks, deputies and other assistants to the tax collector from time to time as conditions may warrant."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:45 P.M.

Act No. 667

S. 786—Harris

AN ACT

To authorize the judge of probate of Morgan County to designate a clerk or other assistant in his office as deputy chief clerk; to require such deputy chief clerk to take an oath of office and to be bonded; to provide for the filing of his bond and oath of office and for the payment of the cost thereof out of county funds; and to prescribe the powers, duties and authority of such deputy chief clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Morgan County is hereby authorized to designate one of the clerks in his office as deputy chief clerk. Such deputy chief clerk, after he has taken the same oath of office directed to be taken by the chief clerk and given bond with surety satisfactory to the judge of probate in such sum as he may prescribe, shall be authorized to discharge any ministerial duty and to do and perform any act relative to the discharge of the duties of the judge of probate which the chief clerk is authorized to discharge, do or perform; except that such deputy chief clerk shall not be authorized to continue to perform the duties of the probate office in his own

name in the event of a vacancy in the office of judge of probate, unless there is also a vacancy in the office of chief clerk. All such acts shall be done in the same manner prescribed by law for the doing thereof by the chief clerk. The deputy chief clerk and the sureties on his bond shall be liable for any misfeasance or malfeasance of the deputy chief clerk to the same extent that the chief clerk and his bondsmen are liable for any misfeasance or malfeasance of the chief clerk.

Section 2. The county governing body of Morgan County shall provide for the payment out of the county funds of the cost of the deputy chief clerk's bond. Such bond and the oath of office of the deputy chief clerk shall be approved and filed in the same manner prescribed by law for the oath and official bond of the chief clerk.

Section 3. This act shall not be construed to authorize the judge of probate to employ an additional clerk or assistant, nor to increase the compensation of the clerk or other assistant who is designated as deputy chief clerk. It shall only authorize such judge to designate an assistant or clerk whose employment is otherwise authorized by law as such deputy chief clerk.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental; however all laws or parts of laws in conflict or inconsistent with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:46 P.M.

Act No. 668

S.787—Harris

AN ACT

To regulate the compensation of members of the county board of registrars in all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent

federal decennial census, each member of the county board of registrars shall receive fifteen dollars (\$15) per day for each day's attendance upon the session of the board. Of this, ten dollars (\$10) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (General Acts 1947, p. 388), as amended, and the remaining five dollars (\$5) shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:46 P.M.

Act No. 669

S. 788—Harris

AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for each of the probation officers of the county court; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census, each of the probation officers of the county court shall be entitled to an annual expense allowance of nine hundred dollars (\$900) payable in equal monthly installments from the general funds of the county. Such allowance shall be in addition to all other compensation or allowances provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month following its enactment.

Approved August 29, 1969.

Time: 1:47 P.M.

Act No. 670

S. 789—Harris

AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census;

to provide an expense allowance for the court reporter of the county court; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census, the court reporter of the county court shall be entitled to an annual expense allowance of six hundred dollars (\$600) payable in equal monthly installments from the general funds of the county. Such allowance shall be in addition to all other compensation or allowances provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month following its enactment.

Approved August 29, 1969.

Time: 1:48 P.M.

Act No. 671

S. 790—Harris

AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census; to provide an expense allowance for the judge of the county court; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 57,000 nor more than 61,500, according to the most recent federal decennial census, the judge of the county court shall be entitled to an annual expense allowance of twenty-seven hundred dollars (\$2,700) payable in equal monthly installments from the general funds of the county. Such allowance shall be in addition to all other compensation or allowances provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month following its enactment.

Approved August 29, 1969.

Time: 1:49 P.M.

Act No. 672

S. 798—Carr

AN ACT

To regulate further the method of summoning jurors in Marshall County; providing for summoning jurors either by registered or certified mail or personal service by the sheriff of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County notices of the requirement of the attendance of jury service may, in the discretion of the sheriff, be served either by registered or certified mail or as provided by Code of Alabama 1940, Title 30, Section 33. When service is to be made by registered or certified mail the sheriff shall enclose the summons in an envelope, addressed to the person to be served, and place all necessary postage thereon and mail it by registered or certified mail, deliver to addressee only and return receipt requested. When a return receipt, signed by the addressee, is received by the sheriff from the United States post office department, the sheriff shall immediately mark the process executed, and such execution shall be considered for all purposes as sufficient personal and legal service. If the jury summons so mailed is not delivered to the addressee, but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort personally to serve the summons. The above provisions authorizing service of jury summonses by mail, however, shall not apply to jury summonses returnable before the court instant; and such summonses shall be served only as provided in Code of Alabama 1940, Title 30, Section 33.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:50 P.M.

Act No. 673

S. 800—Carr

AN ACT

Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff and his deputies and other employees and providing for the manner of their payment; authorizing the appointment of additional deputies; and repealing conflicting laws, specifically Act No. 446, H. 373, Regular Session 1967 (Acts 1967, p. 1119).

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Marshall County shall be entitled to a salary of \$12,000 per annum which shall be paid in equal monthly installments out of the general fund of the county.

Section 2. In addition to the chief deputy sheriff, the sheriff of Marshall County may appoint ten deputies, two jailers, one office deputy, and one matron, whose compensation shall be payable by the county. The compensation of the chief deputy shall be a salary of \$600 a month. The ten deputies shall each be paid a salary of not less than \$400 nor more than \$500 a month, the monthly salary to be determined by the sheriff. The office deputy shall be paid a salary of \$350 a month. The matron shall be paid a salary of \$200 a month and the two jailers shall each be paid a salary of \$300 a month. The compensation of the deputies, office deputy, jailers and matron shall be preferred claims against the general funds of the county, and shall be paid on warrants drawn in the manner prescribed by law.

Section 3. The provisions of Act No. 446, H. 373, Regular Session 1967 (Acts 1967, p. 1119) and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969.

Time: 1:51 P.M.

Act No. 674

S. 801—Carr

AN ACT

To provide that witnesses may be subpoenaed by registered or certified mail in Marshall County under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Subpoenas requiring the attendance of witnesses in any civil or criminal case in Marshall County may be served by the county sheriff or constable personally or by leaving a copy thereof at the place of residence of the witness, unless the subpoena is issued during the session of the court in any criminal case when it must be executed by personal service. In all other cases requiring the attendance of witnesses in said county, the sheriff may in his discretion execute service either by registered or certified mail, in which case he shall enclose the subpoena in an envelope with sufficient postage thereon and addressed to the person to be served. Such envelope shall be sent by registered

or certified mail, marked deliver to addressee only and return receipt requested. When a return receipt signed by the addressee is received by the sheriff from the United States post office department, the sheriff shall immediately mark the process executed, and such execution shall be considered for all purposes as sufficient personal and legal service. If the subpoena so mailed is not delivered to the addressee, but is returned to the sheriff by the United States post office department, then the sheriff shall immediately make a diligent effort to serve the subpoena personally.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969

Time: 1:52 P.M.

AN ACT

Act No. 675

S. 808—Giles

To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of Act No. 708, 1967 Regular Session. Section 7 of Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, which provides for public highways, streets and bridges in Madison County, Alabama, and contains, inter alia, provisions for the distribution among the said county and the municipalities therein of those portions that are allocated to the said county by Act No. 224, 1967 Special Session, of the net proceeds from that certain excise tax, referred to in the said Act No. 708 as (and herein called) the

"highway gasoline tax," and consisting of (a) the excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 647, and (b) the excise tax levied by Section 674 adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel, is hereby amended so that the said Section 7 shall read as follows:

Section 7. *Use of Tax Proceeds Distributed Under This Act.* All tax proceeds paid to the county pursuant to the provisions of this act shall be used by the county only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges, as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the proceeds from the highway gasoline tax were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in Act No. 838 adopted at the 1953 Regular Session of the Legislature; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

All tax proceeds paid to any municipality pursuant to the provisions of this act shall be used by such municipality only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets, and other public ways including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the said proceeds were or may be lawfully pledged; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

When requested so to do by any municipality in the county, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this act. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 2. Disposition of Unexpended Highway Gasoline Tax Proceeds Allocated to Municipalities Under Act No. 708 Prior to the Effective Date of This Act. The state treasurer

shall, within thirty days after the effective date of this act, pay over and distribute to or on the order of each municipality in the county all moneys which shall have been theretofore allocated to that municipality under the said Act No. 708 and which shall not have been theretofore paid to that municipality; provided, however, that if the state highway department shall within five days after the effective date of this act file with the state treasurer a certificate signed by the Highway Director with respect to any such municipality (a) stating (i) that on the effective date of this act there was an outstanding contract between the said municipality and the state highway department whereunder the said municipality agreed to pay to the said department as compensation for engineering services of the said department in either preparation of plans or supervision of construction work, or both, or as compensation for construction work performed by the said department (or as compensation for both such engineering services and such performance of construction work), any portion of the moneys that might be allocated to that municipality under the said Act No. 708, (ii) that any such engineering services or construction work have been theretofore actually performed by the said department, (iii) that the amount of the compensation provided for in the said contract does not exceed the reasonable value of the services or work so performed, and (iv) that all or part of the said compensation then remains unpaid, (b) setting forth the amount of the said compensation that then remains unpaid and (c) directing the State Treasurer to pay the said unpaid compensation to the state highway department, out of the aforesaid moneys allocated to the said municipality under the said Act No. 708 prior to the effective date of this act; then the State Treasurer shall within the said thirty-day period (1) pay to the state highway department, out of the moneys allocated to the said municipality under the said Act No. 708 prior to the effective date of this act, the amount stated in the said certificate pursuant to the foregoing clause (b) of this section and (2) pay to or on the order of the said municipality the residue of the moneys allocated as aforesaid to such municipality under the said Act No. 708 prior to the effective date of this act.

None of the provisions of this section shall be deemed to prevent the state highway department and any municipality in the county from entering into any arrangement mutually agreeable to them for payment of any compensation to the state highway department that the municipality may have agreed to make in any contract entered into prior to the effective date of this act. The state highway department and any such municipality are hereby specifically authorized to enter into any such other arrangement and in the event mutually satisfactory arrangements for payment of any such compensation are made between

the said department and any such municipality, the department shall not file the certificate hereinabove provided for with respect to that municipality.

Section 3. Severability. The provisions of this act are hereby declared severable. If any part of this act should be held invalid, such holding shall not affect the part which remains.

Section 4. Effective Date. This act shall become effective on the first day of the second month following its being signed by the Governor or otherwise becoming law.

Approved August 29, 1969

Time: 1:53 P.M.

Act No. 676

S. 814—Torbert

AN ACT

To permit banks now or hereafter situated in counties having a population according to the most recent federal recennial census of not less than 49,500 nor more than 50,500 inhabitants, to establish, maintain, or operate new branches or branch banks, branch offices, branch agencies, additional offices or branch places of business within the limits of such county in which said bank is situated, for the receipt of deposits, payment of checks, lending of money, and the conduct of a general banking and trust business, by and with the written consent of the state superintendent of banks.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in, and only in, counties having a population of not less than 49,500 inhabitants nor more than 50,500 inhabitants, according to the most recent federal decennial census.

Section 2. Any bank, whether incorporated or unincorporated, within this state, now or hereafter situated in such county, shall have the power to establish, maintain, and operate within the limits of any such county, where the principal place of business of such bank is situated, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969

Time: 1:54 P.M.

Act No. 677

S. 820—Stone

AN ACT

Relating to counties having a population of not less than 16,150 and not more than 17,250 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having a population of not less than 16,150 and not more than 17,250 according to the last Federal Decennial Census the Board of Revenue, or other like governing body of such County, may in its discretion, appropriate annually from the public funds of the county an amount not exceeding \$4,000 as a contingent fund from which shall be paid any entertainment or promotional expense incurred for and incidental to the promotion of economic, industrial, or cultural development of the county, and from which shall be paid any other equitable and just claim or claims against the county for which the county is not legally liable but morally and justly obligated, and for recovery of which the claimant or claimants have no recourse at law. Any appropriation so made shall be paid by the county treasury or depository on warrants drawn in such manner as the county governing body may direct. Any unexpended or unencumbered balance in any such contingent fund shall revert to the county general fund at the end of each fiscal year.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 29, 1969

Time: 1:55 P.M.

Act No. 678

S. 879—McCarley

AN ACT

To apply only in counties having populations of not less than 18,000 nor more than 19,000 according to the most recent federal decennial census, authorizing such counties to appropriate certain funds for public buildings and furnishings.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 18,000 nor more than 19,000 according to the most recent federal decennial census; the Board of Revenue and Control, the Board of Revenue, Court of County Commissioners, or other like governing body of the county, may, in it's discretion, appropriate for public buildings and furnishings any monies from the General Fund and the Highway and Traffic Fund that has not been otherwise appropriated.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon it's otherwise becoming a law.

Approved August 29, 1969

Time: 1:56 P.M.

Act No. 679

H. 1157—McLain, Pennington, Laxson,
Grainger, Jones

AN ACT

Proposing an amendment to the Constitution relating to the levying of a special school tax in School District No. 1, Madison County, Alabama, which comprises all of Madison County, Alabama except for the City of Huntsville, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

"Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Ala-

bama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in School Tax District No. 1, Madison County, Alabama, which comprises all of Madison County, Alabama except the City of Huntsville, Alabama to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the School District as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of said School Tax District No. 1, Madison County, Alabama, who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 shall be levied and collected for a period of thirty years without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of School Tax District No. 1, Madison County, Alabama, who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of School Tax District One, Madison County, Alabama, and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for and governed otherwise in the manner provided for an election on the school district tax authorized in Constitutional Amendment III."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama of 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House August 7, 1969.

Passed the Senate August 19, 1969.

Proposing an amendment to the Constitution of Alabama relative to Bibb County, authorizing the legislature to fix, regulate, and alter the costs, charges of courts, fees, commissions, allowances, or compensation to be charged or received by the sheriff of Bibb County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed:

Proposed Amendment

The legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate, and alter the costs, charges of courts, fees, commissions, allowances, or compensation to be charged or received by the sheriff of Bibb County, and may also fix, regulate, and alter the method or basis of compensating such officer.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House August 7, 1969.

Passed the Senate August 19, 1969.

Act No. 681

H. 1202—Snell

AN ACT

To propose an Amendment to the Constitution of Alabama relating to Chambers County, so as to provide further for the use of the proceeds of the special property tax authorized to be levied pursuant to Amendment No. 72 for hospital and public health purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

Proposed Amendment

"Whenever the tax authorized to be levied by Amendment No. 72 to the Constitution shall have been approved by vote of the qualified electors of Chambers County and levied by the governing body of the county, the proceeds of such tax may be used for any health purposes of the county, including providing of health facilities of all kinds and of health services; and the governing body of Chambers County may, in its discretion, expend any part of the proceeds thereof in cooperation with any one or more of the municipalities of the county, or in cooperation with any public or private non-profit hospital corporation; or the county governing body may cooperate in the consolidation of all such hospitals, facilities and services in Chambers County and expend all or any part of the proceeds of the said tax in support thereof."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the House August 7, 1969.

Passed the Senate August 19, 1969.

Act No. 682

H. 1223—Manley, Pruitt

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Marengo County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid when approved and proclaimed as provided by law:

Proposed Amendment

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, Marengo County acting through the county governing body shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidence of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of Marengo County, or may be limited as to the source of their payment.

"The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidence of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Marengo County for the purpose of determining the borrowing capacity of the county under Section 224 of the Con-

stitution; and the taxes herein authorized shall be in addition to those provided for or permitted in Section 215 of the Constitution and all amendments thereto.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation in the same manner as other county taxes are levied and collected. Such tax may be upon all property in the county, or upon all property in any district the boundaries of which the governing body of such county shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidence of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidence of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body subject to such limitations as the governing body of Marengo County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the county.

"Marengo County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published once a week for three successive weeks before the election.

"This amendment shall be self-executing; but the legislature may enact general, special or local laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with

the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published as provided in Section 284 of the Constitution, as amended.

Constitutional Amendment

Passed the House August 7, 1969.

Passed the Senate August 19, 1969.

Act No. 683

H. 512—Turnham, Higginbotham, Brassell

AN ACT

To propose and provide for the submission of an Amendment to the Constitution of Alabama empowering the levy in the school district comprising all the territory of Lee County outside of the cities of Auburn and Opelika of a special annual ad valorem tax at the rate of 50¢ on each \$100 of the assessed valuation of the taxable property in the said district for public school purposes therein upon authorization by the electors of the said district as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

In addition to all other taxes now or hereafter authorized, the governing body of Lee County, in the State of Alabama, is authorized to levy, in the school district of the said county that comprises all of the territory of the said county outside of the corporate limits of the cities of Auburn and Opelika, a special district tax at a rate not exceeding 50¢ on each \$100 of the valuation of the taxable property in the said district as assessed for state taxation; provided, that no such tax shall be levied hereunder unless the rate of the said tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the said district and voted for by a majority of those voting in such election; provided, further, that if a majority of the qualified electors of the said district participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the levy of the said tax, without an additional election, for a period of thirty consecutive years commencing with the levy for the tax year beginning October 1, 1969. Each election on the levy of the said tax held subsequent to the ratification of this amendment shall be called, held, conducted and canvassed, and notice thereof shall be given, in the

manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the levy of district school taxes under the provisions of Amendment III to the Constitution, except that the holding of any such election in the said district or the collection of the said tax therein shall not be dependent upon the levy and collection of any other tax, including specifically the three-mill special county school tax provided for in the said Amendment III. If the majority of the qualified electors of the said district participating in the election on the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the said district voting at any election called by the governing body of Lee County under the provisions of this amendment should not vote in favor of the levy of the said tax proposed at the election so called, the governing body of Lee County may from time to time call other elections hereunder on the levy of the said tax, but not more than one such election shall be held during any period of twelve consecutive months.

Nothing contained in this amendment shall be construed to authorize the levy of an additional tax on any property within the corporate limits of either the City of Auburn or the City of Opelika.

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the current session of the Legislature of Alabama. At the said election all qualified electors of the state shall be entitled to vote on the said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?" after which there shall be set forth the substance or subject matter of the amendment proposed in Section 1 of this Act, and after which there shall be printed the word "yes" and immediately under that word there shall be printed the word "no". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be published either (a) by posting a copy of the said proclamation at each courthouse in such county, or (b) by publication in a newspaper published in another county that is circulated in the county in which no newspaper is then published. There is hereby appropriated out of the General Fund

of the state such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment

Passed the House June 10, 1969.

Amended and passed the Senate August 19, 1969.

House concurred in Senate Amendment August 19, 1969.

Act No. 684 H. 778—Cook (Coffee), Shumate, Bank, Merrill, Robertson, Culver, Hobbie, Jackson (T), House, Harris, Haygood, Dill, Money, Slate, Brown, Perloff, Drake, Grayson, Brannan, Ellis, Lyons, McElhaney, Cameron

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the Legislature to provide a Pension Fund for the Fire Fighters in Alabama and to levy a tax in support thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama may hereafter by the adoption of general, special or local law provide for the establishment of a pension fund or retirement system or systems for the benefit of persons regularly employed as, or enrolled as volunteer, firefighters by any municipality, political subdivision or governmental agency of the State of Alabama, any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding: and may provide certain funds therefor by the levy or assessment of additional taxes on the gross annual premium receipts on all policies of fire, lightning, extended coverage, inland marine and allied lines and windstorm insurance written by persons, firms, corporations, associations, or aggregations of underwriters on property in the State of Alabama: and may provide for the membership of any such persons who were regularly employed as, or enrolled as volunteer, fire fighters, who had contributed to and had been admitted to membership in any state pension or retirement system for such fire fighters or were receiving pensions or retirement benefits from such fund prior to the adoption of this amendment. Any State Fire Fighters Pension Fund heretofore established pursuant to legislative enactment is validated, confirmed and ratified by this amendment to the Constitution of Alabama.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the

provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940), as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House July 22, 1969, as Amended.

Passed the Senate August 19, 1969.

Act No. 685

H. 1408—Brassell

AN ACT

Proposing an amendment to the Constitution of Alabama authorizing the imposition of a trial tax or other charge on litigation in certain courts of Russell County, the proceeds to be used for establishing, maintaining and operating a public law library in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor, to-wit:

Amendment

"The Legislature may by general or local law provide that a trial tax or charge on litigation of not more than two dollars (\$2.00) shall be taxed as costs in any case, action, or proceeding hereafter filed, whether at law or in equity, in the Circuit Court of Russell County and in the Court of Common Pleas of Russell County, which tax shall be in addition to any court costs heretofore authorized. The proceeds of such tax or charge shall be used for establishing, equipping, maintaining and operating a public law library in Russell County, including the payment of the salaries of the personnel needed to operate such library."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House August 14, 1969.

Passed the Senate August 20, 1969.

Act No. 686

S. 644—Torbert

AN ACT

To redivide the State into judicial circuits so as to create the Thirty-seventh Judicial Circuit, and to provide for a judge and solicitor of the newly created circuit or for a solicitor in the Fifth Circuit as the case may be.

Be It Enacted by the Legislature of Alabama:

Section 1. The State of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of the counties as follows: First Circuit—Choctaw, Clarke and Washington; Second Circuit—Butler, Crenshaw and Lowndes; Third Circuit—Barbour and Bullock; Fourth Circuit—Bibb, Dallas, Hale, Perry and Wilcox; Fifth Circuit—Chambers, Macon, Randolph and Tallapoosa; Sixth Circuit—Tuscaloosa; Seventh Circuit—Calhoun and Cleburne; Eighth Circuit—Limestone and Morgan; Ninth Circuit—Cherokee, DeKalb and Jackson; Tenth Circuit—Jefferson; Eleventh Circuit—Lauderdale; Twelfth Circuit—Coffee and Pike; Thirteenth Circuit—Mobile; Fourteenth Circuit—Walker; Fifteenth Circuit—Montgomery; Sixteenth Circuit—Etowah; Seventeenth Circuit—Marengo, Greene and Sumter; Eighteenth Circuit—Clay, Coosa and Shelby; Nineteenth Circuit—Autauga, Chilton and Elmore; Twentieth Circuit—Henry and Houston; Twenty-first Circuit—Escambia; Twenty-second Circuit—Covington; Twenty-third Circuit—Madison; Twenty-fourth Circuit—Fayette, Lamar and Pickens; Twenty-fifth Circuit—Marion and Winston; Twenty-sixth Circuit—Russell; Twenty-seventh Circuit—Marshall; Twenty-eighth Circuit—Baldwin; Twenty-ninth Circuit—Talladega; Thirtieth Circuit—Blount and St. Clair; Thirty-first Circuit—Colbert; Thirty-second Circuit—Cullman; Thirty-third Circuit—Dale and Geneva; Thirty-fourth Circuit—Franklin; Thirty-fifth Circuit—Conecuh and Monroe; Thirty-sixth Circuit—Lawrence; Thirty-seventh Circuit—Lee.

Section 2. The judge elected at the general election in 1970 to the judgeship required by Act No. 579, H. 1074, of the Regular Session of 1957 (Acts, 1957, p. 803) to be filled by a resident of the most populous county in the Fifth Judicial Circuit shall be the first judge of the Thirty-seventh Judicial Circuit. He shall serve as such judge until the expiration of the term for which he was elected a judge of the Fifth Judicial Circuit. His successors shall be elected at the same times and for the same terms as prescribed by law for the election of other circuit judges. If the district attorney elected at the general election in November 1970 for the Fifth Judicial Circuit is a resident of the most populous county of the circuit, then such person shall be the first district attorney for the Thirty-seventh Judicial Circuit; and a district attorney for the Fifth Judicial Circuit shall be appointed by the Governor, to serve until the next general election for district attorneys. If the district attorney elected at such election for the Fifth Judicial Circuit resides outside the most populous county in the circuit, then he shall serve as the district attorney for such Fifth Judicial Circuit; and the Governor shall appoint a district attorney for the Thirty-seventh Judicial Circuit, to serve until the next general election for district attorneys. Thereafter, district attorneys for the Fifth and for the Thirty-seventh Judicial Circuits shall be elected at the same times and for the same terms prescribed by law for the election of other district attorneys.

Section 3. The judges of the Fifth Judicial Circuit and the district attorney for such circuit shall continue to receive the same amount of supplemental compensation and allowances payable from each of the county treasuries of the counties in said circuit as is prescribed by law for them when this Act becomes effective. Provided further that upon the effective date of this act, and upon the enactment of legislation creating a fourth judgeship for the Fifth Judicial Circuit, such fourth judgeship shall be designated judgeship No. 3, and thereafter there shall be three judges in the Fifth Judicial Circuit.

Section 4. The judge and the district attorney of the Thirty-seventh Judicial Circuit shall each be entitled to a supplemental salary payable from the county treasury of the county composing such circuit in equal monthly installments. The annual supplemental salary of the judge shall be \$4,500 and the annual supplemental salary of the district attorney shall be \$4,000. These supplemental salaries shall be in addition to all other compensation prescribed by law for such circuit judge and such district attorney.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall take effect on the day after the returns of the general election in November 1970 have been canvassed and the result thereof duly proclaimed.

Approved September 4, 1969.

Time: 4:45 P.M.

Act No. 687

S. 816—Radney

AN ACT

Relating to the Fifth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional judgeship for the Fifth Judicial Circuit, which shall be designated judgeship No. 4. The existing judgeships shall be designated judgeships Nos. 1, 2 & 3. An additional judge shall be appointed for the circuit by the Governor, within ten days after the effective date of this Act, who shall hold office until his successor is elected and qualified as provided in Article VI, Sections 158 and 159, of the Constitution of Alabama. The judge for the additional judgeship shall be elected thereafter as are other circuit judges in this state.

Section 2. The judge appointed or elected as provided in Section 1 of this Act shall have and shall exercise all the jurisdiction, power, right and authority; shall possess all of the qualifications; shall perform all of the duties required; and shall be subject to all of the pains and penalties of such office as the other such judges are subject to in the same circuit.

Section 3. The compensation of such judge shall be paid in the same amount and under the same terms and manner as that of the other judges in the circuit.

Section 4. The judge may appoint a bailiff and a court reporter whose qualifications, powers, duties, and authority shall be the same as such other bailiffs and reporters of the circuit court and whose compensation shall be paid in the same amount and under the same terms and manner as other bailiffs and reporters of the Fifth Judicial Circuit.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 4, 1969.

Time: 4:47 P.M.

Act No. 688

H. 1444—Tuck, Manley, Stubbs, Pruitt

AN ACT

To amend Section 1 of Act No. 34 (H. 45) of the First Extraordinary Session of 1969 of the Legislature of Alabama, approved May 14, 1969, entitled "An Act authorizing the county governing body of each of the several counties to levy, assess and collect franchise, excise and privilege license taxes in order to raise funds to be used for the public schools in the county," so as to prescribe certain limitations on the levying of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 34 (H. 45) of the First Extraordinary Session of 1969 of the Legislature of Alabama, approved May 14, 1969 is hereby amended as follows:

"Section 1. In order to provide funds for the operation of the public schools in the county, the governing body of each of the several counties in this state is hereby authorized by ordinance to levy and provide for the assessment and collection of franchise, excise and privilege license taxes with respect to privileges or receipts from privileges exercised in such county, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this Act less the cost of collection thereof shall be used exclusively for public school purposes. Notwithstanding anything to the contrary herein, said governing body shall not levy any tax hereunder measured by gross receipts (except a sales tax which parallels, except for the rate of tax, Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended, and a use tax which parallels, except for the rate of tax, Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended); nor shall any such governing body levy

any tax upon the privilege of engaging in any business or profession unless such tax is levied uniformly and at the same rate against every person engaged in the pursuit of any business or profession within the county, except that any tax levied hereunder upon the privilege of engaging in any business or profession may be measured by the number of employees of such business or the number of persons engaged in the pursuit of such profession. Provided that in all counties having more than one (1) school system, revenues collected under the provisions of this Act shall be distributed within such county on the same basis as funds received by the county from the Minimum Program Fund are distributed within the county."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 4, 1969.

Time: 4:48 P.M.

Act No. 689

S. 643—Leonard

AN ACT

To propose a constitutional amendment relative to levying additional taxes in Talladega County for public school purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

Amendment

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Talladega County shall have the power to levy and collect a special district tax of fifty cents on each one hundred dollars worth of taxable property in such districts for public school purposes; provided, that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election, the election to be held in the same manner as provided

by Code of Alabama 1940, Title 52, Chapter 10, Article 7 for an election on the school district tax authorized in Article XIX of the Constitution of Alabama. The funds arising from such special tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct.

Section 2. An election upon the proposed amendment is ordered to be held on the same day as the first state-wide general, special, or primary election that is held after the expiration of three months from final adjournment of the 1969 Regular Session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the Senate July 25, 1969.

Passed the House September 4, 1969, as amended.

Act No. 690

H. 1088—McLain, Laxson, Pennington,
Grainger, Jones

AN ACT

Proposing an amendment to the Constitution relating to levying a special school tax in the school district of the City of Huntsville in Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Proposed Amendment

"Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the School Tax District of the City of Huntsville in Madison

County to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the School District as hereinafter provided.

"Section 2. In the event this amendment is approved and a majority of the qualified electors of the School Tax District of the City of Huntsville who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in Section 1 shall be levied and collected for a period of thirty years without any other election having been held hereon. In the event this amendment is approved and a majority of the qualified electors of the School Tax District of the City of Huntsville who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the School Tax District of the City of Huntsville and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Constitutional Amendment III."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House August 7, 1969.

Passed the Senate August 19, 1969.

Act No. 691

H. 1182—Stubbs

AN ACT

Relating to Shelby County; levying a tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Shelby County, Alabama, for any use, gasoline, and diesel fuel as

defined by this Act; providing for the collection and enforcement of the tax; and prescribing and restricting the use to which the proceeds thereof may be applied.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words, when used in this Act, shall have the meaning ascribed to them below, unless the context clearly indicates a different meaning:

“Person” includes any corporation as well as a natural person.

“Gasoline” means any type of gasoline, naphtha, or other liquid motor fuel, or any device or substitute therefor, commonly used in internal combustion engines.

“Diesel Fuel” means any type diesel oil, tractor fuel, gas, oil, distillate or liquified gas, or any device or substitute therefor.

Section 2. In addition to all other taxes and licenses, there is hereby levied upon every distributor, refiner, retail dealer or storer of gasoline or diesel fuel in Shelby County, Alabama, an excise tax or one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Shelby County for any use, gasoline, or diesel fuel as defined by this Act; provided, the tax shall not be levied or paid on the sale of gasoline, or diesel fuel in the interstate commerce or to the Government of the United States or its agencies, or direct to the State of Alabama. When the tax levied herein shall have been paid by a distributor, refiner, retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall be paid but once. The tax shall not be levied or paid on gasoline or diesel fuel which is withdrawn from storage within Shelby County for delivery only to a point or points outside the county, when the distributor or seller of such gasoline, or diesel fuel prepares and files with the governing body of Shelby County written statements sworn to and subscribed, in such form as may be required by the county governing body, showing the name and address of the person to whom the gasoline, or diesel fuel is or has been delivered by the distributor; the volume and kind of such gasoline, or diesel fuel; the dates of such withdrawal; and the point or points outside the county to which such gasoline, or diesel fuel is delivered or is to be delivered.

Section 3. On or before the twentieth day of each month after this Act shall have become effective, every person upon whom the tax levied herein is imposed shall render to the governing body of Shelby County, on forms prescribed by the county governing body, a true and correct statement of all sales and withdrawals of gasoline, or diesel fuel liable for payment of the tax imposed by this Act made by him or them during the next

preceding month; shall furnish to the county governing body such additional information as the county governing body may require upon blanks to be formulated and furnished by the county governing body; and, at the time of making such report, shall pay to the county governing body, the tax levied by this Act upon such sales and withdrawals. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths. Any willfully false statement sworn to shall constitute perjury, and upon conviction thereof, the person so convicted shall be punished as provided by law.

Section 4. All distributors, storers or retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents, or papers, as will clearly show the amount of sales or withdrawals of gasoline, or diesel fuel made in Shelby County and subject to the tax levied by this Act.

Section 5. Within thirty (30) days after this Act shall have become effective, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline, or diesel fuel in Shelby County shall make a report on blanks furnished under Section 3 hereof to the governing body of the county, showing the place and post office address at which his business of distributor or storer or retail dealer in gasoline, or diesel fuel is located in the county, which information shall be entered by the county governing body on a book kept for that purpose, and should such distributor, storer, or retail dealer move his place of business from one business address to another, such distributor, storer or retail dealer shall within thirty (30) days thereafter notify the county governing body of such removal, giving the former place and post office address and also the place and post office address to which the place of business has been removed. After the passage of this Act, no person shall become a distributor, storer or retail dealer of gasoline, or diesel fuel in Shelby County until he shall have made such report to the county governing body.

Section 6. If any distributor, storer or retail dealer in gasoline, or diesel fuel in Shelby County fails to make any report required by the provision of this Act, or fails to comply with any lawful regulation adopted by the county governing body for the collection of the tax, or fails to make any report within the time prescribed, or fails to pay the tax imposed within the time fixed for the payment thereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon the conviction thereof shall be fined not less than fifty dollars nor more than three hundred dollars for each offense.

Section 7. It shall be the duty of the court of county commissioners, board of revenue, or like governing body of Shelby County to enforce the provisions of this Act, and to make any and all rules and regulations necessary and proper for the collection of the tax levied herein. The county governing body or any member thereof or its agents shall have the right to examine the books, report, and accounts of every distributor, storer or retail dealer of gasoline, or diesel fuel subject to such tax.

Section 8. If any distributor, storer or retail dealer in gasoline, or diesel fuel willfully fails to make monthly reports or fails to pay the tax imposed under the authority of this Act, the tax shall be deemed delinquent within the meaning of this Act, and there shall be added to the amount of his tax a penalty of twenty-five percent; provided, however, that if in the opinion of the county governing body a good and sufficient cause and reason is shown for such delinquency, the penalty may be remitted. The county governing body is hereby authorized and empowered to make returns for delinquent taxpayers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the county governing body shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the county tax collector, and make return of such execution to the governing body issuing the same. The tax levied by this Act and the penalty herein provided for shall be held as a debt payable to the county by the person against whom the same shall have been imposed or against whom the same shall have been imposed or against whom the penalties shall have accrued; and all such taxes and penalties shall be a lien upon the property in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax levied by this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Each agent of any railroad company, bus, or truck operator, or other transportation company or agency operating in Shelby County shall report to the county governing body on the first day of October, January, April, and July of each year all shipments of gasoline, or diesel fuel as defined in this Act handled by him or through the station or office which he is an agent, and delivered to any person in Shelby County,

Alabama, during the preceding three months, giving the names and addresses of the consignor and consignee shipping and receiving gasoline, or diesel fuel and the number of gallons or pounds contained in each and every shipment.

Section 11. The proceeds of the tax levied by this Act shall be paid into the Gasoline Fund of the Shelby County Board of Revenue and Control and shall be used exclusively for road construction and road maintenance in Shelby County.

Section 12. Gasoline or diesel fuel used for agricultural or industrial purposes and not used to propel motor vehicles upon the public highways of this county is hereby exempt from the levy of tax contained herein and such exemption may be claimed and refund of any such tax paid for such fuel so used shall be made by the Shelby County Board of Revenue and Control in accordance with regulations adopted by said Board and relating to existing State laws providing for the refund of such exempt tax. Fuel used for domestic or commercial heating purposes is hereby exempt from the operation of this tax.

Section 13. This Act shall become effective only after passage by the Legislature of the State of Alabama, approval by the Governor, and approval by a majority of the electors participating in a special election to be held in Shelby County on the first Tuesday after the expiration of thirty (30) days after the approval of this Act by the Governor of the State of Alabama. The special election shall be called by the Shelby County Board of Revenue and Control after giving due notice by publication for one week of such election as is provided by law.

Following said special election and in the event of the approval of this tax by the majority of the electors participating therein, this Act shall become effective on the first day or the fifteenth day of the next following month as may be determined by the Shelby County Board of Revenue and Control.

Section 14. The governing body of Shelby County shall be charged with the duty of enforcing the provisions of this Act.

Section 15. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 16. All laws or parts of laws in conflict with this Act are hereby repealed; and Act No. 157, H. 664, of the current (1969) Regular Session is hereby specifically repealed.

Approved September 4, 1969.

Time: 11:59 P.M.

Act No. 692 H. 1533—Dill, Cook (Jefferson), Holman, Bowers,
Weeks, Gloor, House, Money, Sessions,
Kilgore, Waggoner, Yeilding

AN ACT

Proposing an amendment to the Constitution of Alabama relating to authorizing the City of Birmingham to alienate or lease any public park or playground or any part or portion thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

Proposed Amendment

Any provision of the Constitution or laws of the State of Alabama to the contrary, notwithstanding, the governing body of the City of Birmingham shall have full and continuing power and authority to alienate or lease for a fair consideration and upon such terms as are acceptable to it any public park or playground or any part or portion thereof owned by said City, provided such governing body by resolution adopted by a vote of not less than two-thirds of the members thereof determine that such public park or playground or part or portion thereof to be alienated or leased is no longer needed as a public park or playground or a part or portion thereof; and provided further that the Park and Recreation Board of said City, if there be such a board at the time of such alienation or leasing, shall have prior thereto by resolution adopted by a vote of not less than two-thirds of the members of said Board determined that such public park or playground or portion thereof to be alienated or leased is no longer needed as a public park or a part or portion thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama, 1940. In the event this amendment is approved and a majority of the qualified electors of the City of Birmingham who vote thereon vote against its approval no park property shall be alienated or leased by the said City except as otherwise provided by law.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceeding the day appointed for the election in a

newspaper in each county in the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each Courthouse and Post Office.

Constitutional Amendment

Passed the House August 20, 1969.

Passed the Senate September 4, 1969.

Act No. 693

S. 762—Hawkins

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the levying of a special school tax in each county in which a junior college is located for the support of the junior colleges within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the constitution when approved and proclaimed as provided by law.

Proposed Amendment

"In addition to all taxes now or hereafter authorized by the constitution and laws of Alabama, the governing body of any county in which there is a state junior college shall have the power to levy and collect a special school tax not to exceed five mills on each dollar of taxable property in the county, for the support and maintenance of the state junior colleges in such county, upon the request of the state board of education, provided the rate of the tax, the time it is to continue and the purpose thereof shall first have been submitted to a vote of the qualified electors of the county and approved by a majority of those voting at such election. Elections under this amendment shall be called, held and conducted in accordance with general laws providing for county school tax elections. The proceeds derived from any such tax shall be used and expended for the amortization of bonds issued for capitol outlay purposes and for the general operating expenses of the junior college."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which

proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the Senate August 7, 1969.

Passed the House September 4, 1969.

Act No. 694

H. 1163—Tuck

AN ACT

Relating to Pickens County; prescribing the meeting dates for the Court of County Commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, Board of Revenue or other like governing body, of Pickens County, shall meet at least twice in each calendar month on the second and fourth Tuesdays of each month, at the court house or courthouse annex, to carry out the duties of the governing body as prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 8, 1969.

Time: 3:30 P.M.

Act No. 695

S. 874—Harris

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Decatur, in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Decatur in Morgan County, are hereby altered, rearranged and extended so as to include within the corporate limits of such city, in addition to the territory included within the present corporate limits, the following described territory, situated in Morgan County, Alabama:

Beginning at the Southwest corner of Section 27, Township 5 South, Range 4 West, Morgan County, Alabama, TVA Property Marker No. 181, and running North along the West margin of said Section 27, a distance of 998.99 feet to TVA Property Marker No. 71; thence turning an angle of $89^{\circ} 43'$ measured counterclockwise from back tangent and running Easterly along the South margin of the Replat of Blocks 1 to 9 inclusive Pennyacres Subdivision Addition No. 4, as shown by Plat of Record in the Office of Judge of Probate of Morgan County, Alabama, for a distance of 885.24 feet to a point, said point being the SE corner of said Replat of Pennyacres Subdivision, Addition No. 4, the true point of beginning; thence turning an angle of $90^{\circ} 03' 20''$ measured clockwise from back tangent and running Northerly along the East margin of said Replat of Pennyacres Subdivision, Addition No. 4, a distance of 245.55 feet to a point 45 feet North of the centerline of Greenwood Drive, said point being the North right-of-way line of a 90 foot right-of-way for the proposed extension of Greenwood Drive; thence turning an angle of 90° measured counterclockwise from back tangent, and running $S 89^{\circ} 00' 20'' E$ along the North right-of-way line of said 90 foot right-of-way a distance of 597.7 feet to the PC of a 2,247.01 foot radius curve, said curve having a central angle of $38^{\circ} 48' 40''$; thence Northeasterly along the North right-of-way line of said curve as it curves to the left an arc distance of 1,522.09 feet to the PT of said curve; thence running $N 52^{\circ} 11' E$ 295.88 feet to a point; thence running $N 7^{\circ} 11' E$ a distance of 99.97 feet to a point on the Southerly right-of-way line of a 180 foot right-of-way for the proposed extension of 8th Street, S. E.; thence $N 37^{\circ} 49' W$ along the South right-of-way of said 180 foot wide right-of-way 1,314.9 feet to the PT of a 5,639.65 foot radius curve, said curve having a central angle of $29^{\circ} 55'$; thence running Northwesterly along said 5,639.65 foot radius curve as it curves to the left an arc distance of 2,944.71 feet to the PC of said curve; thence $N 67^{\circ} 44' W$, 1,349.32 feet along the South right-of-way line of said 180 foot right-of-way to its intersection with the East right-of-way line of 24th Avenue, S. E., said point being 32.36 feet South of the intersection of said East right-of-way line of 24th Avenue, S. E., and the South right-of-way line of 8th Street, S. E.; thence North along the East right-of-way line of 24th Avenue, S. E., 32.36 feet to its intersection with the South right-of-way line of 8th Street, S. E.; thence $S 88^{\circ} 46' E$, 804.20 feet along the South right-of-way line of 8th Street, S. E., and said right-of-way if extended to a point; thence turning an angle of $89^{\circ} 37' 30''$ measured clockwise from back tangent and running $N 0^{\circ} 51' 30'' E$ parallel to the West margin of Climatrol Industries, Inc. (Worthington Corporation) Property a distance of 650.3 feet to a point; thence turning an angle of $218^{\circ} 15'$

measured clockwise from back tangent and running N 39° 06' 30" E 140.88 feet to a point; thence turning an angle of 218° 15' measured clockwise from back tangent and running N 77° 21' 30" E, 1,128.5 feet to a point; thence turning an angle of 191° 00' measured clockwise from back tangent and running N 88° 21' 30" E, 50 feet, more or less, to a point on the 556.3 foot contour elevation on the South bank of a drainage ditch; thence due East 1,600 feet, more or less, to an intersection with a line 75 feet Southeast of and parallel to the surveyed centerline of the Wilson Dam-Huntsville Transmission Line; thence with the line that is 75 feet Southeast of and parallel to the surveyed centerline of said Transmission Line, North 32° E, 400 feet, more or less, to a point on the original left bank of the Tennessee River; thence with a line approximating the original left bank of the Tennessee River South 56° E, 4,310 feet, more or less, to a point on the centerline of the original channel of Flint Creek; thence with the centerline of the original channel of the creek as it meanders upstream approximately 13,000 feet to a point on the West line of the East 1/2 of the West 1/2 of Section 34, Township 5 South, Range 4 West; thence North 0° 45' W, 2,575 feet, more or less, to a point; said point being TVA Monument 183; thence North 0° 43' 35" E, 998 feet to a point, said point being TVA Monument No. 70; thence turning an angle of 90° 12' 45" measured clockwise from back tangent and running North 89° 03' 40" W, 448.75 feet to the Southeast corner of the Replat of Lots 1 through 9 of Pennyacres Subdivision Addition No. 4, as shown by plat of record in the Office of Judge of Probate of Morgan County, Alabama, said point being the true point of beginning.

Less and except:

A tract of land containing 21.4 acres lying in the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 27, and in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Township 5 South, Range 4 West, Morgan County, Alabama, described as follows:

Beginning at the SW corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, said point being T.V.A. Property Marker No. 63; thence running westerly along the South margin of the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 27 a distance of 1337.09 feet to a point of the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 27, said point being T.V.A. Property Marker No. 62; thence turning an angle of 90 degrees 22' 12"; measured counterclockwise from back tangent and running northerly 661.7 feet to a point on the NW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 27, said point being T.V.A. Property Marker No. 61; thence turning an angle of 89 degrees 49' 45" measured counterclockwise from back tangent and running east

along the north margin of said Section 27 a distance of 511.24 feet to a concrete marker at a point on the 556.3 foot contour line on the west bank of Black Branch, an embayment of Wheeler Lake; thence following said 556.3 foot contour line as it meanders in a southwesterly direction along the westerly bank of Black Branch a distance of 880 feet, more or less, to a point on the south margin of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 27; thence running easterly along the south margin of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27 a distance of 20 feet, more or less, to a point on the 556.3 foot contour line on the easterly bank of Black Branch; thence following said 556.3 foot contour line as it meanders in a northeasterly direction along the easterly bank of said Black Branch a distance of 1190 feet, more or less, to a concrete marker at a point on the north margin of Section 27, said point being 926.5 feet east of T.V.A. Property Marker No. 61; thence continuing northeasterly along said 556.3 foot contour line as it meanders northeasterly, then easterly, then southeasterly, a distance of 250 feet, more or less, to a concrete marker at a point on the south margin of Section 22, said point being 1136 feet east of T.V.A. Property Marker No. 61; thence following said 556.3 foot contour line as it meanders in a southeasterly direction 1100 feet, more or less, to a point on the south margin of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27; thence running westerly along the south margin of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, a distance of 227 feet, more or less, to the point of beginning.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1969.

Time: 11:10 A.M.

Act No. 696

S. 894—Leonard

AN ACT

To amend Act No. 263, S. 410, Regular Session 1967 (Acts 1967, p. 743), an Act regulating further the sale and consumption of alcoholic beverages in all counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census, in order to provide further for places in which such beverages may be sold, to authorize and provide for the use of stamps, crowns or decals to evidence payment of the tax levied by said Act, and to provide further for the enforcement of the Act and prescribe additional penalties for violations of the Act, to provide additional taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 8, 9, 13, and 14 of Act No. 263, S. 410, Regular Session 1967 (Acts of 1967, p. 743), an Act regulating further the sale and consumption of alcoholic beverages in all counties having populations of not less than 65,000 nor more than 95,000 according to the most recent federal decennial census, are hereby amended to read as follows:

“Section 3. It shall be unlawful for any person, firm, or corporation to sell or offer for sale any spirituous, vinous, or malt or brewed beverages in any county in which this Act applies *except* within the corporate limits and police jurisdiction of incorporated municipalities in said counties having a population of not less than 600 inhabitants according to the last or any subsequent federal decennial census; except in private clubs, as defined in Section 2 of this Act, and such private clubs may be located outside the corporate limits of municipalities, provided; however, such private clubs outside the corporate limits shall have at least 200 members.”

“Section 8. It shall be unlawful for any malt or brewed beverages to be sold except in package from within the city limits or within the police jurisdiction of incorporated areas with a population of 600 or more persons or in private clubs located inside or outside such city limits, on premise consumption is permissible in private clubs as provided herein.”

“Section 9. In addition to all other taxes and licenses now imposed by law, there is hereby levied a privilege or license tax on all persons, firms, and corporations, selling, distributing, or delivering to retailers within counties governed by this Act any malt or brewed beverage (including beer, lager beers, ale, porter, or similar fermented malt liquors containing one-half of one percent or more of alcohol by volume) which tax shall be in an amount equal to three cents (\$.03) on each twelve (12) fluid ounces or fractional part thereof sold or distributed within the county. The payment of such tax shall be evidenced by stamps, crowns, or decals affixed to each bottle, can or other container thereof and cancelled in the manner prescribed by the county governing body. The county governing body shall provide such stamps, crowns or decals to evidence payment of the tax levied under this section and for the distribution thereof to the dealers and other sellers of malt or brewed beverages.

“Section 9 (a). In addition to all other taxes and licenses now imposed by law and under this act, there is hereby levied a privilege or license tax on all persons, firms, and corporations, selling, distributing, or delivering to retailers within counties governed by this act any malt or brewed beverages (including

beer, lager beers, ale, porter, or similar fermented malt liquors containing one-half of one percent or more of alcohol by volume) an additional two cent (\$.02) on each twelve (12) fluid ounces or fractional part thereof sold or distributed to private clubs as defined in Section 2 of Act No. 263, S. 410, Regular Session 1967 (Acts 1967, p. 743) within the county or counties to which this act applies. The provision as to the county governing body placing crowns, stamps, or decals to evidence payment of the three cents (\$.03) tax levied under Section 9 hereof shall not apply where the sale is to any private club to which this act applies and as it relates to the additional two cents (\$.02) tax; however, the additional two cents provided in Section 9-(a) may be collected by the county governing body in such manner as the county governing body deems necessary and advisable, included but not limited to, the placing of stamps, crowns, or decals to evidence payment of the tax as provided herein. The proceeds of the tax on malt or brewed beverages under this Section 9 (a) shall be paid into the county general fund and used exclusively for garbage or trash collection and other sanitary services.

"After the county governing body procures stamps, crowns, or decals to evidence payment of the tax hereby levied, it shall be unlawful to sell any malt or brewed beverages in such county unless stamps, crowns or decals, evidencing the payment of the three cents (\$.03) county tax are affixed. If any person, firm or corporation possesses more than five cases of such unstamped malt or brewed beverages, a presumption shall arise that such beverages are held for resale and such beverages may be confiscated in the same manner that beverage not bearing the proper Alabama tax stamps are confiscated and such person, firm or corporation that possesses more than the limit prescribed shall be punished in the manner prescribed for punishing violators of the prohibition law in dry counties, when it is found to be held for re-sale and in addition thereto the beverages so possessed shall be confiscated."

"Section 13. The county governing body of the county may provide rules and regulations and administrative machinery for the enforcement and collection of the privilege or license tax authorized by this Act. Each municipality within the county shall provide aid and assistance in enforcing the tax herein authorized within its territory. The county governing body may employ a person or persons and fix, prescribe and provide for the payment of their salaries and expenses out of funds derived from the tax hereby levied and paid into the general fund of the county, or from such other funds as the county governing body prescribes, to act as inspectors and otherwise to assist in the enforcement of the provisions of this Act. Such inspectors shall

have the same powers relative to enforcement of the tax hereby levied that law enforcement officers employed by the Alabama Alcoholic Beverage Control Board have relative to enforcing the state tax on spirituous liquors and on malt and brewed beverages. Any municipality in any county in which a tax is levied under this Act may also employ a special alcoholic beverage law enforcement officer for such municipality whose chief duty shall be the enforcement of this Act. It shall also be the duty of agents of the Alabama Alcoholic Beverage Control Board and of the sheriff of the county and his deputies to enforce the provisions of this Act."

"Section 14. Any person, firm, or corporation who violates any provision of this Act or the rules and regulations as may be provided by the county governing body of the county shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

"Any person, firm or corporation who owns or operates a retail establishment, but is not licensed by the Alabama Alcoholic Beverage Control Board to sell malt or brewed beverages who has in his possession in such retail establishment more than three cases of beer or other malt or brewed beverages, shall be punished in the manner prescribed for punishing violators of the prohibition law in dry counties; and in addition thereto the beverages so possessed shall be confiscated."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 9, 1969.

Time: 4:30 P.M.

Act No. 697 H. 779—Cook (Coffee), Shumate, Bank, Merrill,
Robertson, Culver, Hobbie, Jackson
(T), House, Harris, Haygood, Dill,
Money, Slate, Brown, Perloff, Drake,
Grayson, Brannan, Ellis, Lyons,
McElhaney, Cameron

AN ACT

To establish a pension fund for Alabama Fire Fighters to be known as the Alabama Fire Fighters Pension Fund; to prescribe conditions for

joining, withdrawing from, and continuing membership in the fund; to regulate the payment of pensions and benefits from the fund; to provide for the management and administration of the fund by a board of trustees; to prescribe the membership of the board, to provide for the election and terms of office of members thereof, and prescribe their powers and duties; to establish the office of secretary-treasurer of such board, provide for his employment, his salary, and his bond; and for the purpose of financing the fund to levy and provide for the collection of an additional tax on insurers against fire, lightning, and related hazards, to fix membership dues, and authorize gifts, contributions and donations to the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The intent and purpose of the Legislature of Alabama in the passage of this legislation is to create and provide for the maintenance of a pension fund for the fire fighters and persons classified as such in the state and to provide a method for financing said pension fund. The Legislature of Alabama in Regular Session, 1967, enacted Act No. 345, approved by the Governor September 5, 1967, which Act was declared unconstitutional by the Supreme Court of Alabama subsequent thereto and this Act is intended to cure the defects of Act No. 345 and to provide a method to re-establish the fire fighters pension fund and to retain the pension status of all members of the fund up to the time of the Supreme Court ruling.

Section 2. The following words and phrases when used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Fire Fighters" means all persons who are regular employees of a department in the state, a municipality, or other political subdivision thereof, which maintains a full time fire prevention or control department and which owns fire fighting equipment of the value of five thousand dollars or more and which has been classified and designated by the State Department of Insurance to be not less than a Class "8" fire department but shall not include any temporary employees of any fire department. Fire marshals and deputy fire marshals employed by the State of Alabama shall be considered as "fire fighters" and the years, if any, that they were members of a Fire Department shall count on the required retirement years.

(2) "Volunteer Fire Fighter" means every person regularly enrolled as a volunteer fire fighter in a fire department in a department of the state, a municipality, or other political subdivision thereof, composed in whole of volunteer fire fighters or in part of paid fire fighters and in part of volunteers, which holds drills and meetings of not less than six hours each month, owns fire fighting apparatus and equipment of the value of five thousand dollars or more, and which has been classified and designated by the State Department of Insurance to be not less

than a Class "8" fire department, provided that each such volunteer attends at least seventy-five percent of all drills and meetings of such department and seventy-five percent of all fires to which the department is called in every calendar year.

(3) "Board" or "Board of Trustees" means the board of trustees of the Alabama Fire Fighters Pension Fund.

Section 3. A pension fund for Alabama Fire Fighters is hereby established. The general supervision and responsibility for the proper administration of the fund and for making effective the provisions of this Act are vested in a board of trustees of the Alabama Fire Fighters Pension Fund.

Section 4. The Board of Trustees and the Secretary Treasurer heretofore selected and serving under the provisions of Act No. 345, 1967 Regular Session, shall continue to serve in their same capacities until such time as the Governor shall appoint the new Board and Secretary-Treasurer and they shall take the oath of office and enter upon their duties as is provided herein-after. The new Board of Trustees of the Fire Fighters Pension Fund shall consist of seven (7) members, as follows: (1) The Governor, ex officio, (2) The State Superintendent of Insurance, ex officio, (3) the Secretary-Treasurer of the Alabama Fire Fighters Pension Fund, who shall be appointed by the Governor from a list of three names submitted from the membership of the Fire Fighters Pension Fund: four trustees shall be appointed by the Governor from a list of twelve nominees submitted from the membership of the Fire Fighters Pension Fund to positions designated No. 1, 2, 3, and 4. The trustees in Positions No. 1 and No. 2 shall each serve for a term of four years from the effective date of this Act and the ones filling positions No. 3 and No. 4 shall each serve for a term of two years from such date. Successors to these first members of this board shall be appointed to the respective positions by the Governor in the same manner and from nominees submitted from the membership of the Fire Fighters Pension Fund as is hereinabove provided, and their terms shall be four years and until their successors have been elected and have qualified by taking the prescribed oath. Trustees may be re-appointed to succeed themselves.

Any vacancy occurring within a term in any of these four positions shall be filled by appointment by the Governor in the manner prescribed hereinabove and the person appointed to fill a vacancy occurring within a term shall only hold for the unexpired term of his predecessor.

Members of the board shall receive no compensation for their services thereon; but they may be reimbursed from the fund, herein established, for all necessary expenses that they incur through services on the board of trustees.

The board of trustees shall select a chairman and a vice-chairman from within its membership.

Section 5. There is hereby created an office of Secretary-Treasurer of the Alabama Fire Fighters Pension Fund. The Secretary-Treasurer shall be appointed by the Governor as is provided in Section 4 and shall serve at the pleasure of the Governor. His compensation shall be fixed by the board. He shall also be reimbursed for actual expenses incurred through services when so directed by the board. The members of the Board of Trustees appointed by the Governor and the Secretary-Treasurer shall be bonded by a corporate surety authorized to do business in Alabama in the amount of \$25,000 each. The cost of such bond shall be paid by the Alabama Fire Fighters Pension Fund. The Secretary-Treasurer shall be entitled to vote on all matters coming before the Board, except those dealing with his office.

Section 6. The board of trustees shall have the following powers and duties: (1) to provide for the payment of the administrative expenses of the fund; (2) to provide for the collection of all revenues hereby provided for the fund; (3) to take or receive any gift, grant, or bequest of money, real or personal property, or anything of value, and use the same for the purpose of providing any of the benefits authorized by this Act for which it is donated; (4) to prescribe rules and regulations relative to eligibility of persons to receive pensions under this Act; (5) to determine all applications for membership in the fund and all applications for pensions payable from the fund; (6) to expend the fund in accordance with the provisions of this Act; (7) generally to exercise all other powers necessary for the administration of the fund created by this Act in order to effectuate the purpose for which it was established; and (8) to invest and reinvest funds, subject to all terms, conditions, limitations and restrictions imposed by the laws of Alabama upon domestic life insurance companies in the making and disposing of their investments. Subject to said terms, conditions, limitations and restrictions, the board shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds are invested, including the proceeds of any investments and any money belonging to the fund.

The board is hereby authorized to employ an agent or agents, including, but not limited to, banks or trust departments thereof, and enter into contracts therewith for the purpose of such agent or agents acting as investment advisors and counselors, making recommendations for investments and making investments if the board so authorizes. The board may use state agencies where available.

Section 7. (a) Every fire fighter or volunteer fire fighter who is a member of the fund hereby established pursuant to the terms of this Act shall have all the rights to membership therein accorded to fire fighters by this Act. Every person who becomes a fire fighter or volunteer fire fighter after the effective date of this Act shall be entitled to become a member of the fund, provided he applies for membership therein within four months from the date he became a fire fighter or a volunteer fire fighter.

(b) Every fire fighter who became a member of the Fire Fighters Pension Fund pursuant to the provisions of Act No. 345, 1967 Regular Session, approved September 5, 1967, shall be a member of the Fire Fighters Pension Fund established by this Act. Any dues heretofore paid by such member shall be retained by the Fire Fighters Pension Fund to the credit of such member and his membership and retirement shall receive the full benefits by reason of such payment and such member shall enjoy all the rights, privileges and benefits provided by the Fire Fighters Pension Fund including the retirement privileges in Section 10 of this Act.

(c) Fire fighters and volunteer fire fighters who were serving as such on September 5, 1967, or who became fire fighters or volunteer fire fighters prior to the effective date of this Act, but who do not become members of the fund within the time prescribed, or any persons who became members of the fund and have since withdrawn and who wish to rejoin the fund may apply for membership therein subject to the following conditions:

1. Application for membership shall be made in writing, signed and sworn to before a notary public.

2. The application shall contain a certificate under oath of the chief of the fire department or city clerk stating that the service of the applicant has been creditable.

3. Applications shall be accompanied by check, money order, or cash in an amount equal to a contribution of five dollars per month from September 5, 1967, or from the date on which the applicant first became eligible to apply for membership in the fund, together with simple interest thereon at the rate of six percent per annum.

4. Applications for membership in the fund authorized in this subsection may be filed within the period of six months from the effective date of this Act; but after the expiration of this six months period no applications shall be accepted from any persons who failed to take advantage of the opportunity to apply for membership in such fund within the time prescribed by law.

5. No person 55 years old or older shall be eligible to apply for membership in the fund pursuant to this subsection, unless he has had a least fifteen years of creditable service as a fire fighter or volunteer fire fighter at the time of making such application.

6. A fire fighter or a volunteer fire fighter admitted to membership in the fund pursuant to this subsection shall not be eligible for retirement benefits under the fund until he has completed not less than two years of continuous creditable service after the date of his admission.

(d) Each member of the pension fund shall pay not later than the tenth day of each month to the Secretary-Treasurer of the board the sum of five dollars. Any member who does not file notice that he is withdrawing from the fund, but who fails for six consecutive months to make such payment shall be removed from membership in the fund and shall never be entitled to receive any pension or other benefits whatsoever under this Act.

Section 8. Any volunteer fire department which fails to hold at least six hours of drills and meetings per month for three months in any calendar year shall not be classified as a volunteer fire department which meets the conditions prescribed in this Act for that calendar year, and the members of such department shall not be entitled to receive credit toward pensions for service rendered during such calendar year, but such members shall be entitled upon application therefor to a refund of ninety-five percent of the dues they paid during such period.

Except as hereinafter provided, any member of the fund who fails in any calendar year to meet the attendance requirements relative to drills, meetings and fires prescribed for volunteer fire fighters shall not be granted service credit for such year's service, and in the event he has paid any dues into the fund he shall be entitled to, upon application therefor, a refund of ninety-five percent thereof.

All refunds granted under this section, or any other provision of this Act, shall be without interest.

Notwithstanding any provision of this Act to the contrary, when a volunteer fire fighter is unable to attend as many as seventy-five percent of all drills, meetings and fires of his department due to providential or other causes beyond his control, the board may, in its discretion waive such part of this requirement as to it seems just and fair, and determine that such volunteer fire fighter is nevertheless eligible for membership or continued membership in such fund. The board is specifically authorized to pass upon and determine what service credit, if any, shall be accorded such volunteer for any year in

which he failed for the above type cause to fulfill the attendance requirement.

Section 9. In addition to any and all other premium tax now imposed by law, every person, firm, corporation, association or aggregation of underwriters doing fire insurance business within the State of Alabama shall within ninety days after December 31 of each year pay to the Secretary-treasurer of the Alabama Fire Fighters Pension Fund one percent of the gross premium receipts on all policies of fire, lightning, extended coverage, inland marine and allied lines and windstorm insurance written by such persons, firms, corporations, associations, or aggregations of underwriters, during the preceding year covering property within this State. Provided, premiums collected on the aforesaid types of insurance policies covering property which is classified by the American Insurance Association as unprotected property, shall be excluded in determining the gross premium receipts. The premium tax as herein prescribed shall be based on the formula adopted by the State Insurance Department and shall be subject to revision by the Superintendent of Insurance upon application of the insurers in the manner hereinafter provided.

In the event that any such person, firm, company, corporation, association or aggregation of underwriters shall claim said tax, or tax formula as provided herein, is excessive or invalid, in whole or in part, he may pay such tax under protest, and the Secretary-Treasurer of the Alabama Fire Fighters Pension Fund shall hold such sum of money in an identified suspense account until it is judicially determined whether the taxes were legally levied and collected, or the taxpayer abandons the recovery of the money by failure to bring suit within the period of sixty days after the payment thereof. If it is determined by the court on suit brought by the taxpayer that any portion of the amount paid under protest was excessive or illegally assessed and collected, said amount shall be refunded in the amount set by the court as excessive or invalid. However, should any person, firm, company, corporation, association, or aggregation of underwriters knowingly or willfully fail to pay within the time above prescribed the premium tax above levied, the Secretary-treasurer of the Alabama Fire Fighters Pension Fund shall report such delinquent taxpayer to the Superintendent of Insurance. Within ten (10) days of receipt of notice from the Secretary-treasurer of the Fund, the Superintendent of Insurance shall give certified notice to the insurance company notifying it of its failure to comply with said Act and possible penalty for such failure. The Insurance Company may reply in writing regarding its failure to comply with said Act within fifteen (15) days from receipt hereof or within the same period of time it may request a hearing

before the Superintendent of Insurance to answer charges. In the latter event, a hearing date will be set by the superintendent, nor more than fifteen (15) days from the date of the company's request. After consideration of the written reply or after a hearing, the Superintendent of Insurance shall decide whether there has been a knowing and willful failure to pay the tax. If he determines there has been such a knowing and willful failure, its license may be revoked. Appeal from the superintendent's ruling may be taken within thirty days to the Circuit Court of Montgomery County, Alabama, where the case shall be a non-jury trial de novo.

Section 10. Any fire fighter or volunteer fire fighter in the state on September 5, 1967, who joins the pension fund and pays into such fund \$5.00 per month for twelve consecutive months, and then retires at the age of at least fifty-five years with twenty years or more of service as a fire fighter, upon application therefor to the board, approved by the board, shall be entitled to a monthly pension of \$50.00. Any fire fighter or volunteer fire fighter in Alabama on September 5, 1967 who joins the pension fund and pays \$5.00 per month into such fund for twelve consecutive months, who has then served for twenty years as a fire fighter in this state but who has not reached the age of fifty-five years, may cease his payments into the fund; and upon reaching the age of fifty-five and retiring from active service, if he is otherwise eligible for a pension under this Act, he shall, upon application therefor, approved by the board, be entitled to a pension of \$50.00 per month.

Any person who becomes a fire fighter or a volunteer fire fighter after September 5, 1967, and joins the pension fund hereby established, and for a period of twenty years thereafter continues to serve as a fire fighter or volunteer fire fighter in Alabama and makes regular contributions of \$5.00 per month to the pension fund, shall upon his retirement from service as a fire fighter or volunteer fire fighter be entitled to a pension of \$50.00 per month, provided he has reached the age of fifty-five prior to his retirement. If such person serves for twenty years as a paid or volunteer fire fighter prior to his retirement but has not at that time reached the age of fifty-five, then he shall not be entitled to receive any pension from the fund until he reaches the age of fifty-five, at which time he may start drawing monthly pension benefits under this Act. In determining a member's length of service for pension purposes under this Act all services rendered by such person, whether as a fire fighter or a volunteer fire fighter, shall be considered; and such services need not have all been rendered to the same fire department but each member shall be given credit for all such services

which are duly certified to the board in the manner prescribed by the board.

All dues contributions shall be paid by a total month rather than a portion of a month. Any member retiring will be considered to have been employed for the entire month and shall pay that month's dues contributions in full.

Any member becoming eligible to receive a pension as provided under this fund within a month shall be deemed to become eligible on the first day of the month next after his otherwise becoming eligible as provided in this section.

Section 11. Any member of the fund, in good standing, who ceases to be a fire fighter may withdraw ninety-five percent of the dues he has paid into the fund while a fire fighter. However, if any such person elects to leave on deposit in the fund the dues he has heretofore paid into the fund, he shall, in the event he later returns to work as a fire fighter, be entitled to receive credit for those years of service which he has rendered prior to leaving the service. Any member of the pension fund, who, upon ceasing to be a fire fighter, withdraws dues which he has contributed to the fund, upon re-entering the fire fighting field may within six months make application to the board for reinstatement of his membership in the fund with full credit for his prior service. In order to be so reinstated he must repay to the fund all the money so withdrawn with interest at the rate of six percent per annum from the date of such withdrawal to the date of his reinstatement. In the event a person who has previously withdrawn the dues he has paid into the fund becomes a fire fighter or a volunteer fire fighter again and fails to repay the fund all the money withdrawn with interest thereon as above prescribed, he shall receive no credit for his years of service prior to his re-entry into such service, but he shall be deemed a new employee and a new member of the fund as of the date of his reemployment as a paid or volunteer fire fighter.

Any member who, while serving as a fire fighter or volunteer fire fighter, ceases voluntarily to be a member of the fund and withdraws the dues which he has paid into the fund, may, in the discretion of the board, at a later date, be reinstated as a member of the fund with or without prior service credit. If he desires credit for prior service he must apply for reinstatement and repay to the fund the amount which he withdrew with interest thereon at the rate of six percent per annum from the date of withdrawal to the date of his reinstatement, and also pay all the dues which he would have been required to pay had he remained a member of the fund from the date of his withdrawal to the date of his reinstatement, with interest thereon at the rate of six percent per annum from the date due until his re-

instatement. If such fire fighter or volunteer fire fighter does not repay the fund as above prescribed he may be readmitted to membership in the fund as a new member thereof, in which case he shall not be entitled to credit for services rendered prior to his withdrawal from the fund.

Any member of the fund who is granted a bona fide leave of absence from his work for any reason, other than official extended military service, shall not be entitled to continue contributions to the fund, nor shall he receive credit toward required number of years of service for benefits hereunder for the time spent on such leave of absence. However, he shall not forfeit membership in the fund; and upon his return to active service as a fire fighter he may immediately make payments to the fund as other members do.

Any member of the fund who is called into official extended military service may, if he so desires, continue his contributions to the fund while in such military service, and receive credit toward required number of years service for benefits hereunder for the time spent on such leave, provided however, that such member receives credit for continuous service time from the department from which he is on such leave. Should the member on official extended military service elect not to continue his contributions, or should he not receive credit for continuous service time from the department from which he is on such leave, he will be considered the same as on any other bona fide leave and the same provisions would apply.

Section 12. Any member of the fund may at any time he desires upon proper application, approved by the board, be refunded ninety-five percent of all money he contributed to said fund. Any member so withdrawing his contributions from the fund shall cease to be a member thereof, and maybe reinstated only upon the conditions prescribed above in Section 11.

Section 13. In the event of the death of any member of the fund who is in good standing who has not commenced receiving any benefits under this Act, such member's designated beneficiary shall be entitled to be paid ninety-five percent of the total amount paid into the fund by such deceased member, upon making proper application for such payment to the Secretary-treasurer, accompanied by a certified copy of the death certificate and such other and further material as the board prescribes.

In the event any member of the fund who is in good standing, and who has commenced receiving benefits as provided under this Act, shall die before receiving benefits in an amount equal to the total contributions of such member to the fund, such member's designated beneficiary shall be entitled to be paid

ninety-five percent of the difference between the amount contributed and the amount of benefits received by such deceased member, upon making application therefor as hereinabove prescribed.

Section 14. If any time there shall not be sufficient money in the pension fund to pay each person entitled to the benefits thereof the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to the beneficiaries until the said fund shall be replenished to such an extent as to warrant the payment in full to each of said beneficiaries.

Section 15. Any assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this Act shall be void, and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debts. Any waiver of any exemption provided for in this section shall be void. The pension and other benefits herein provided are hereby expressly declared to be exempt from any and all taxation whether imposed by any State, county, municipality or political subdivision.

Section 16. The examiners of public accounts of the State shall make annual audits of the fund and the records of the Secretary-treasurer thereof in the same manner that they audit the records of other state officers and departments.

The Attorney General shall act as legal advisor to the board.

Section 17. The pensions provided herein shall be subject to future legislative changes or revisions.

Section 18. All laws or parts of laws which conflict with this Act are repealed.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama providing for a pension fund for fire fighters.

Approved September 11, 1969.

Time: 10:10 A.M.

Branyon, Folsom, Bailes,
Pelham, McDermott, Harris,
Jackson, Carr, Albea, McCar-
ley, Leonard, Giles

AN ACT

To prohibit the exposing of obscene and harmful materials to persons eighteen years of age and older; to define terms and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act.

(a) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(b) "Sexual conduct" means act of masturbation, homo-sexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

(c) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(d) "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(f) "Obscene" means that description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

(i) predominantly appeals to the prurient, shameful or morbid interest, and (ii) is patently offensive to prevailing or contemporary standards in the adult community as a whole with respect to what is suitable material, and (iii) is utterly without redeeming social value or importance.

(g) "Hard-core pornography" means material, when considered as a whole, its predominant appeal is to prurient interest, is patently offensive to prevailing or contemporary standards, is utterly without redeeming social value or importance and in addition it goes substantially beyond customary limits of candor in describing or representing such matters.

(h) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both:

(i) the character and content of any material described herein which is reasonably susceptible of examination by the defendant.

(ii) such term includes the calculated purveyance of filth.

(i) Mailable matter means (a) printed or written matter or material having second-class mailing privileges under the laws of the United States; or (b) any other printed or written matter or material which has not been determined to be non-mailable under the laws of the United States.

Section 2. Selling, exhibiting or possessing obscene materials. It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a person eighteen years of age or older:

(a) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is obscene or represents hard-core pornography.

(b) any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (a) of section 2 hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is obscene or represents hard-core pornography.

(c) Nothing in this section shall be deemed to apply to mailable matter unless such mailable matter is known by such person to have been judicially found to be obscene or to represent hard-core pornography under this act or under the provisions of any other Alabama statutes.

Section 3. It shall be unlawful for any person knowingly to exhibit for a monetary consideration to another or knowingly to sell to another an admission ticket or pass or knowingly to admit another for a monetary consideration to premises whereon there is exhibited, a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sado-masochistic abuse which is obscene or represents hard-core pornography.

Section 4. (a) No prosecution may be commenced against any person for violating Sections 2 and 3 of this Act unless the accused is first served with prior written notice that there is

reasonable cause to believe the material upon which such prosecution is based violates this Act, and the accused has, after receiving such notice violated this Act.

(b) The written notice provided for in paragraph (a) of this Section 4 may be given by only the following officials: the State Attorney General and any Assistant Attorney General; the district attorney, county solicitor, their assistants and deputies, or any person whose office and duty is to prosecute criminal actions before any state, county or municipal court; the sheriff; the chief of police of any municipality or town; and the duly authorized law enforcement employees of the Department of Public Safety.

(c) Any person receiving such written notice provided for in paragraph (a) of this Section 4 shall have the right within 30 days from such notice to file an appropriate action for declaratory judgment to determine the validity of such written notice, but no such action shall, by reason of the commencement thereof, stay or in any way delay or postpone any prosecution for the violation of this Act.

Section 5. Any person, firm or corporation violating any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the county jail or sentenced to hard labor for the county, for not more than one year, and may be fined not more than two thousand dollars (\$2,000.00) for each offense, or be both so imprisoned and fined, in the discretion of the court.

Section 6. The provisions of this Act are cumulative and shall be in addition to any and all laws now enacted dealing with obscene or hard-core pornography and shall not be construed to limit or repeal other laws on such matters and shall specifically apply to the exposing of obscene and harmful materials to persons eighteen years of age and older.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 10, 1969.

Time: 4:20 P.M.

Act No. 699

S. 70—Radney, Cooper, Vacca, Bailes, Pierce, Nabors, Albea, Leonard, Childs, Lindsey, Giles, Gilmore, Adams, Lolley, McDermott, Skidmore, Hawkins, Givhan, Stone, Branyon,

Morrow, Jackson, Dominick, Engel,
Carr

AN ACT

Providing for the use of chemical tests for the determination of intoxication whenever any person is lawfully arrested in the state for an offense allegedly committed while such person was driving a motor vehicle on the public highways under the influence of intoxicating liquor; providing for the suspension of the privilege of driving motor vehicles of any such person upon his refusal to submit to such tests; providing for the admissibility in evidence in certain civil and criminal actions of the results of such tests, and of refusal to submit to such tests; and providing that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference to the influence of intoxicating liquors.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any person who operates a motor vehicle upon the public highways of this State shall be deemed to have given his consent, subject to the provisions of this act, to a chemical test or tests of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense arising out of acts alleged to have been committed while the person was driving a motor vehicle on the public highways of this state while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of ninety days (90), provided however, that if such person objects to a blood test, the law enforcement agency shall designate that one of the other aforesaid tests be administered.

(b) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this section and the test or tests may be administered, subject to the provisions of this act.

(c) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in paragraph (a) of this section, none shall be given but the Director of Public Safety, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested

person had been driving a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer, shall suspend his license or permit to drive, or the privilege of driving a motor vehicle on the highways of this State given to a non-resident or if the person is a resident without a license or permit to operate a motor vehicle in this State, the Director shall deny to the person the issuance of a license or permit for a period of forty-five (45) days after the date of the alleged violation, subject to review as hereinafter provided. Provided, further, if such person is acquitted on the charge of driving a motor vehicle upon the highways of this State while under the influence of intoxicating liquor, then in that event the Director of Public Safety may, in his discretion, reduce said period of suspension.

(d) Upon suspending the license or permit to drive or the privilege of driving a motor vehicle on the highways of this State given to a non-resident of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the Director of Public Safety or his duly authorized agent shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in Section 68 of Title 36 of the 1940 Code of Alabama, as amended, for notification and hearings in the cases of suspension of licenses, except that the scope of such a hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer. Whether the person was informed that his privilege to drive would be suspended or denied if he refused to submit to the test shall not be an issue. The Director of Public Safety shall order that the suspension or determination that there should be a denial of issuance either be rescinded or sustained.

(e) If the suspension or determination that there should be a denial of issuance is sustained by the Director of Public Safety or his authorized agent upon such hearing, the person whose license or permit to drive or non-resident operating privilege has been suspended or to whom a license or permit is denied, under the provisions of this section, shall have the right to file a petition in the appropriate court to review the final order of suspension or denial by the Director or his duly authorized agent in the same manner and under the same

conditions as is provided in Section 68 of Title 36 of the 1940 Code of Alabama, as amended, in the cases of suspensions and denials.

(f) When it has been finally determined under the procedures of this section that a non-resident's privilege to operate a motor vehicle in this State has been suspended the Director shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license.

Section 2. (a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time of the chemical test or tests authorized by this act as shown by chemical analysis of the person's blood, urine, breath shall be admissible as evidence and give rise to the following presumptions:

1. If there was at that time 0.05 per cent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 per cent but less than 0.10 per cent by weight of alcohol in the person's blood such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

3. If there was at that time 0.10 per cent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

4. Per cent by weight of alcohol in the blood shall be based upon milligram of alcohol per one hundred cubic centimeters of blood.

5. The foregoing provisions of paragraph (a) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(b) Chemical analyses of the person's blood, urine, breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the State Board of Health and by an individual possessing a valid permit issued by the State Board of Health for this purpose. The State Board of Health is authorized to approve satisfactory

techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the State Board of Health.

(c) Only a physician, registered nurse or duly licensed clinical laboratory technician or clinical laboratory technician acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.

(d) The person tested may, at his own expense, have a physician, registered nurse, duly licensed clinical laboratory technician or clinical laboratory technician or any other qualified person of his choosing administer a test, in addition to any administered at the direction of a law enforcement officer, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure of inability to obtain an additional test by such arrested person shall not preclude the admissibility in evidence of the test taken at the direction of a law enforcement officer.

(e) If the test given under Section 1 of this act is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

(f) Upon the written request of the person tested full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or to his attorney.

(g) No physician, registered nurse or duly licensed clinical laboratory technician or clinical laboratory technician shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a law enforcement officer to administer such a test.

(h) If a person under arrest refuses to submit to a chemical test under the provisions of this act, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor.

Section 3. Whenever and wherever the words "driving privilege" or "privilege" appear herein, it shall mean both the

driver license of those licensed in Alabama, and the driving privilege of unlicensed residents and the privilege of non-residents, licensed or not; the purpose of this section being to make unlicensed and non-resident drivers subject to the same penalties as licensed residents.

Section 4. This act may be cited as the Alabama Chemical Test for Intoxication Act.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable. The state board of health shall not approve the permit required herein for any law enforcement officer other than a member of the state highway patrol, a sheriff or his deputies, or a city policeman.

Section 6. All laws or parts of laws which are in conflict or inconsistent with the provisions of this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1969.

Time: 9:43 A.M.

Act No. 700

H. 109—Marr, Headley, Culver, Bank,
Haygood, Berryman (W),
Wood, Grayson

AN ACT

To express the public policy of the State of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the State or its agencies, to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Be It Enacted by the Legislature of Alabama:

SECTION 1: It is hereby declared to be the public policy of this State that the State of Alabama or any state agency, department or board thereof which is the contracting authority for construction, alteration and/or repairs to be performed on

state owned properties or to be state financed, in whole or in part, to be performed by private contractors; shall require the successful bidder to pay the prevailing wage in the work area to their employee.

SECTION 2: As used in this Act:

(a) Director means that person designated under Title 26, Section 379, Code of Alabama, 1940, or as hereafter amended, or his duly authorized deputy or representatives.

(b) Department means the Department of Labor of the State of Alabama.

(c) Commission means the commission established by Section 2 (i).

(d) Contractor means any person, firm or corporation licensed to do business in the State of Alabama as a contractor, said license authorizing the performance in a single contract of the public work to be performed.

(e) Public work means construction, reconstruction, demolition, alteration, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of the State of Alabama.

(f) Contracting authority means any officer, board or commission of the State or any state institution supported in whole or in part by State funds, authorized to enter into a contract for a public work.

(g) Workman shall mean and include laborer, mechanic, skilled or semi-skilled, laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site, but shall not include executive, administrative, professional, office or custodial employees.

(h) Work area means a county within which the physical work on any public work is to be performed.

(i) Prevailing Wages within the meaning of this Act shall be determined jointly by a commission consisting of the Director of Labor of the State of Alabama; The Director of the Highway Department of the State of Alabama; the Finance Director of the State of Alabama; The Director of the Department of Industrial Relations of the State of Alabama; and the State Superintendent of Education of the State of Alabama. The results of such determination in the locality in which the

contract work is to be performed shall be published and posted by the Director of Labor of the State of Alabama from time to time. The determination of prevailing wages for purposes of this Act shall be made within thirty days before the specifications are advertised or publicized for any contract and the contract must be filed within 90 days thereafter; if not, another determination, made in the manner contemplated by this section, shall be undertaken for utilization in such contract. In making such determination, this Commission may examine any pertinent data or facts which they may deem relevant and proper to the determination.

SECTION 3: Every contract in excess of Two Thousand Dollars (\$2,000.00) for any public work to which any contracting authority is a party shall contain a provision stating the prevailing wage rate which can be paid to the workmen employed in the performance of the contract and the contract shall contain a stipulation that such workmen shall be paid not less than such prevailing wage rate. Such contract shall also contain a provision that in the event it is found that any workmen employed by the contractor or any subcontractor covered by said contract has been paid a rate of wages less than the prevailing wage required to be paid by such contract the contracting authority may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor or any subcontractor covered by said contract and his sureties shall be liable to the contracting authority for any excess costs occasioned thereby.

SECTION 4: The contracting authority awarding any contract for public work or otherwise undertaking any public work shall ascertain from the Commission the prevailing wage rate in the locality in which the public work is to be performed for each craft or trade needed to perform the contract and shall specify in the contract itself what the prevailing wage rate in the locality is for each craft or trade or classification of all workmen needed to perform the contract during the anticipated term thereof. The prevailing wage rate furnished by the Commission may be amended or changed by the Commission upon its determination that a previously furnished wage rate is erroneous, but no such change shall be made within ten days of the bid date, and notice of any such change shall be furnished to all bidders.

SECTION 5: Contractors and subcontractors performing public work subject to the provisions of this Act shall post the prevailing wage rates for each craft and classification involved

as determined by the Commission, including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work or at such place or places as are used by them to pay workmen their wages. Such contractors and subcontractors shall mail to the Department an affidavit certifying that such notice has been posted and is being maintained on the site of such work or at the place used by them to pay workmen their wages. Such affidavit shall be forwarded within 5 days of the commencement of work and shall contain sufficient information to identify the public work, the contractor, the subcontractor, the contracting authority and the prevailing wage determination number applicable to such work.

SECTION 6: Every contractor and subcontractor shall keep an accurate record showing the name, craft or trade, an actual hourly rate of wages paid to each workman employed by him in connection with a public work and such records shall be preserved for two (2) years from date of payment. The record shall be open at all reasonable hours to the inspection of the contracting authority and the Commission.

SECTION 7: The prevailing wage in the work area in which the public work is to be performed for each craft or trade or classification of all workmen needed to perform public work contracts shall be determined as provided in Section 2(i). In determining and computing the prevailing wage the commission provided in said Section 2(i), shall consider, be bound by and shall not fix the prevailing wages higher than:

(a) Wage scales fixed by union-management collective bargaining agreements in the area.

(b) The prevailing wage determination made for the area by the Secretary of Labor of the United States under the provisions of Title 40, U. S. Code, Section 276 (a) the Davis-Bacon Act.

(c) The wages actually paid various classes of workmen, laborers, and mechanics employed on project of work of similar character to the contract work in the same or similar area within the state.

SECTION 8. The Commission in determining and computing the prevailing wage rate paid by employers of any craft or trade in the work area under consideration shall consider the following to be an integral part of the wage rate paid by employers of any craft or trade in the work area:

(a) The basic hourly rate of pay; and

(b) The amount of

(i) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

(ii) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to workmen pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen affected, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other Federal, State or local law to provide any of such benefits; PROVIDED, That the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations may be discharged by the making of payments in cash, by the making of contributions of a type referred to in paragraph 2 (a), or by the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in paragraph 2 (b), or any combination thereof, where the aggregate of any such payments, contributions, and costs is not less than the rate of pay described in paragraph 1 plus the amount referred to in paragraph 2.

SECTION 9. Before final payment is made by any contracting authority of any sum or sums due on a public work it shall be the duty of the contracting authority to require the contractor and all subcontractors to file written statements in form satisfactory to the Director certifying to the amounts then due and owing from such contractor and subcontractors filing such statements to any and all workmen for wages due on account of the public work, setting forth therein the names of the persons whose wages are unpaid and the amount due each respectively, which statement shall be verified by the oath of the contractor or subcontractor, as the case may be. Providing, however, that nothing herein shall impair the right of a prime contractor to receive final payment because of the failure of any subcontractor to file the affidavit required by this section.

SECTION 10. (a) If brought to the attention of the contracting authority having public work performed under which any workmen shall have been paid less than the prevailing wage set forth in the contract under which such public work was performed shall forthwith notify the Director in writing of the name of the contractor failing to pay such prevailing wages.

(b) Any workman may within one year from the date of the occurrence of the incident complained of, or within ninety (90) days after the completion of the contract work, whichever date shall first occur, file a protest in writing with the Director, under oath, objecting to the amount of wages paid for service performed by him on a public work as being less than the prevailing wages for such services but in no event shall a protest in writing be considered or acted upon by the Director unless the same has been filed within the above stated period of time.

(c) If any contractor shall be in doubt concerning the wage rate to be applied to any particular type of work performed by a workman he shall have the right to request that a determination be made by the Commission. The Commission shall make an immediate determination and any contractor relying upon such determination and complying therewith shall be deemed to have complied fully with the provisions of this Act and the prevailing wage rate involved in his contract.

SECTION 11. (a) In the event that the Commission shall determine after investigation that there are reasonable grounds to believe that a contractor or subcontractor has failed to pay the prevailing wage specified in his contract for public work he shall forthwith notify said contractor or subcontractor to appear at a hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter which hearing shall be conducted in Montgomery County, Alabama. At this hearing evidence may be offered and received by way of affidavit or oral testimony. The attendance of witnesses and the production of documents which might be evidence at the hearing can be compelled by the issuance of subpoena by the Commission who shall issue such subpoenas as may be requested by the contractor or subcontractor. Any person failing to comply with such subpoena may be brought before the Circuit Court of Montgomery County and may be punished by such court as for a contempt thereof. Upon the conclusion of such hearing the Commission shall enter an order which shall contain his findings of fact and his decision thereon, which order shall be immediately delivered to the contractor or subcontractor involved. Said order shall be final and conclusive unless an appeal therefrom is filed as hereinafter provided. If the decision of the Commission finds a violation then the contractor or subcontractor may file written notice of appeal with the Commission within fifteen (15) days from the date of the decision. Upon receipt of such notice of appeal the Commission shall cause a transcript of the proceedings had at such hearing to be prepared and filed with the clerk of the circuit court having jurisdiction of the work area within which the alleged violation occurred, which said transcript shall be filed

within thirty (30) days following receipt of notice of appeal. There shall be included in such transcript all notices and orders of the Commission, and all affidavits or other documents received in evidence at the hearing. The cause shall be docketed by the clerk of the circuit court receiving such transcript as a preferred case and shall be tried therein de novo.

(b) If it be finally determined that any contractor or subcontractor has willfully violated any provisions of this Act or willfully failed to abide by the prevailing wage, the Commission shall list and keep on record the name of such contractor or subcontractor and forthwith give notice by mail of such listing to any contracting authority requesting such information or any contracting authority thereafter requesting an ascertainment by the Commission of the prevailing wage rate applicable to a proposed contract for public work. The name of such contractor or subcontractor shall remain on said list for such period of time as may be determined by the Commission, but in no event for more than 12 months for the first violation nor for more than three (3) years for a subsequent violation.

If it be finally determined that the violation by the accused contractor or subcontractor was not willful but occurred through inadvertence or negligence, the Commission may, in his discretion, issue a warning to such offending party or may place the name of such contractor or subcontractor on the list hereinbefore described for a period of time not exceeding six (6) months. No contract for public work shall be awarded to any contractor or subcontractor during the period of time that they appear on said list, or to any firm, corporation, partnership or association in which said contractor or subcontractor has an interest. A second determination that a violation occurred through inadvertence or negligence shall be deemed to constitute a willful violation.

SECTION 12: Every contractor shall furnish a list of the subcontractors to the contracting authority and the Commission within fifteen (15) days from the date of the contract with such subcontractor for the public work. Upon commencement of the work each contractor and subcontractor shall certify the weekly payroll which shall contain the employee's name, address, classification, wage rate applicable, social security number, zip code number, daily hours worked and other pertinent information as may be required by the Commission, and shall submit this to the contracting authority and the Department not less than once per calendar month during the term of such contract.

SECTION 13: In carrying out the duties and enforcing the provisions of this Act the Commission, in the exercise of his reasonable discretion shall have the authority to:

(a) Investigate and ascertain the wages of workmen employed in any public work;

(b) Enter and inspect the place of business or employment of any employer or workman in any public work, for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any such workman; copy any or all of such books, registers, payrolls, and other records as he or his authorized representative may deem necessary or appropriate; and question such workmen for the purpose of ascertaining whether the provisions of this Act have been and are being complied with.

SECTION 14: If any workman is paid by an employer less than the prevailing wage to which such workman is entitled under the provisions of this Act, such workman may recover in a civil action the full amount of such prevailing wage less amount actually paid to him or her by the employer together with all costs and such reasonable attorneys' fees as may be allowed by the Court, and any agreement between such workman and the employer to work for less than such prevailing wage shall be no defense to the action. At the request of any workman paid less than the prevailing wage to which such workman was entitled under the provisions of this Act the Commission may bring any legal action necessary to collect the claim, and if more than one claim is made against the same employer, then all such claims may be joined in one suit, and such action may be maintained in the name of the Commission.

SECTION 15: Any contractor desiring to enter into a contract with the State of Alabama or any agency, department or board thereof within the scope of the requirements of this Act who is aggrieved by the specifications of wages contained in such contract, which, pursuant to section 1 of this Act, shall have been based upon wages determined by the next preceding section to be prevailing for purposes of this Act, may appeal from such determination to the circuit court of Montgomery County or of the county in which the contract work is to be performed, sitting in equity, and thence to the supreme court of Alabama. All such appeals to the circuit court shall be taken within thirty days from the date of such determination and shall be granted as a matter of right and be deemed perfected by filing with the register of the circuit court a notice of appeal and a bond for security of costs of said appeal to be approved by the register. The proceedings in the circuit court shall be de novo and the Commission shall be the party respondent therein. The circuit court in equity may take and consider any new or additional evidence which is legal and relevant and shall deter-

mine whether the prevailing wage so determined pursuant to the provisions of Section 5 of the Act is correct; and, if the court deems such determination incorrect and not the prevailing wage for corresponding classes of laborers and mechanics employed on projects of a similar character to the contract work in the city, town, village, or other civil subdivision of the state in which the work is to be performed, the circuit court shall fix the amount of such prevailing wages. From the judgment of the circuit court in equity, either the contractor or the Commission may appeal direct to the supreme court of Alabama within thirty days from the rendition of judgment; and the contractor shall give security for the cost of such appeal to be approved by the register of the circuit court.

SECTION 16: The governing authority of any municipality or other local political subdivision not otherwise covered by this Act, may, by appropriate ordinance or resolution, require the payment of the prevailing wage determined by the Commission in all public works contracts let by the said local authority. Upon the adoption of such ordinance or resolution the local authority shall thereupon become a contracting authority within the meaning of this Act, and all the provisions of this Act shall thereupon apply to the public works contracts of such local authority.

SECTION 17. Contracts on state projects which contain provisions requiring the payment of prevailing wages as determined by the United States secretary of labor pursuant to the federal Davis-Bacon act (United States code, title 40, section 276a et seq) are exempt from the provisions of this Act.

SECTION 18. The provisions of this Act are hereby declared to be severable, and if any provision of this Act or the application thereof to any person or circumstance is held unconstitutional or invalid, the remainder of this Act and the application thereof to other persons or circumstances shall not be affected thereby, but shall remain in full force and effect.

SECTION 19. All laws or parts of laws insofar as they are inconsistent or in conflict herewith are hereby repealed.

SECTION 20. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1969.

Time: 9:50 A.M.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the committee created by Act No. 219, 1967 Special Session is hereby recreated and reconstituted effective on the date of passage of this resolution, to terminate on the first legislative day of the 1971 regular legislative session. Members of the committee shall serve until the committee terminates. No more than \$10,000.00 may be expended by said committee for the duration of its tenure.

Approved September 12, 1969.

Time: 3:30 P.M.

Act No. 702

H.J.R. 121—Harper, Collier

HOUSE JOINT RESOLUTION

WHEREAS J. G. "Hot" O'Brien has completed thirty-two years of loyal and devoted service to Tallassee High School, and the Board of Education of Tallassee, Alabama; and

WHEREAS, Mr. O'Brien has contributed greatly to the athletic and intellectual development of the youth of Tallassee through his years as head coach, teacher and principal; and

WHEREAS his services as director of the city's recreation program, as President of the Rotary Club and as a dedicated layman in his church have long benefited his community and the people of all ages with whom he has been in contact; and

WHEREAS Mr. O'Brien has been honored by the people of Tallassee and by the Mayor with the proclamation of J. E. "Hot" O'Brien Appreciation Day, to take place Saturday, August 16, 1969; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Mayor, and the city of Tallassee in honoring and commending Mr. O'Brien for his exemplary career of community service.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Coach O'Brien, the Tallassee Tribune and the Tallassee High School.

Approved September 12, 1969.

Time: 3:31 P.M.

Act No. 703

H.J.R. 122—Fite, Fine

HOUSE JOINT RESOLUTION

WHEREAS, it is the will and intent of this legislature to authorize and create an advisory board to the Tombigbee Valley Development Authority, established by law by this Legislature in 1967; and approved by a Constitutional Referendum in December of that year; and

WHEREAS, this Advisory Board shall be constituted of two or more members from each of the Counties of Greene, Pickens, Sumter, Lamar, Marion, Fayette and Tuscaloosa; and

WHEREAS, these are the Counties to be most affected by the total development of the flood control improvement, and future development of the tributaries of the Tombigbee River in Alabama, and the promotion of municipal and industrial water supplies for areas in these counties in cooperation and conjunction with the U. S. Army Corps of Engineers and any other Federal and State Agencies as necessary; and

WHEREAS, these members of the Advisory Board of the Tombigbee Valley Development Authority shall receive no salary or compensation other than actual expenses incurred in official business involving the duties, obligations, and meetings of the Advisory Board and such expenses shall be paid by the Tennessee-Tombigbee Waterway Development Authority or the governing bodies of the respective Counties; and

WHEREAS, this Advisory Board has no authority to tax or raise money, but it has the powers to accept grants of money, real estate, public or private property, from any federal, state, county, city or individual, and

WHEREAS, it is the will, intent and purpose of this Legislature to confer, no other powers to this Advisory Board other than those powers conferred upon it officially by the State Corporation, the Tombigbee Valley Development Authority, composed of the Governor, Presiding Officer of the Senate, Speaker of the House, State Finance Director, State Highway Director, and State Docks Director.

WHEREAS, the Governor shall appoint the members of the Advisory Board of the Tombigbee Valley Development Authority, upon the recommendations of the Tombigbee Valley Development Authority. All members appointed to this Board shall receive original copies of this resolution.

Approved September 12, 1969.

Time: 3:32 P.M.

Act No. 704

H.J.R. 123—Edington, Lyons, Wood,
Perloff, Collins (W),
Grayson, Nettles

HOUSE JOINT RESOLUTION

WHEREAS, the Alabama State Legislature is privileged to have among its members a woman Legislator, the lady from Mobile, Clara Stone Collins, and

WHEREAS, this lady has been elected first Vice-President and President-Elect of the National Order of Women Legislators, a nationally recognized organization which holds annual conventions to discuss legislative matters of mutual interest to the various states, and

WHEREAS, it is to the best interest of the State of Alabama to be officially represented at these conventions, especially in view of the fact that Representative Clara Stone Collins is President-Elect of this National Order;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the lady from Mobile, Clara Stone Collins, be commended on her election as President-Elect of the National Order of Women Legislators, and that she be appointed Alabama's official delegate to the two annual conventions of the National Order of Women Legislators to be held in the next biennium, and that she be reimbursed for her ordinary and necessary expenses in attending these two conventions from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House.

Approved September 12, 1969.

Time: 3:33 P.M.

Act. No. 705

H.J.R. 124—Blanton

HOUSE JOINT RESOLUTION

WHEREAS upon many of our four-lane state highways, there is no sign or notice posted to warn slow moving traffic to keep to the right lane; and

WHEREAS without such a notice or regulation requiring slow moving vehicles to exercise caution in this manner the danger of accidents and traffic bottlenecks are greatly increased; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the state highway department to promulgate the necessary

regulation, if needed, and post signs or notices requiring slow moving traffic to keep to the right lane.

Approved September 12, 1969.

Time: 3:34 P.M.

Act No. 706

H.J.R. 125—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two Houses adjourn today they adjourn to meet again on Wednesday, August 20, 1969, and when they adjourn on Wednesday, August 20, 1969, they adjourn to meet again on Thursday, August 21, 1969, and when they adjourn on Thursday, August 21, 1969, they adjourn to meet again on Tuesday, August 26, 1969, and when they adjourn on Tuesday, August 26, 1969, they adjourn to meet again on Thursday, September 4, 1969.

Approved September 12, 1969.

Time: 3:35 P.M.

Act No. 707

H.J.R. 127—Nettles, Grayson, Downing,
Brannan, Marr, Edington,
Wood, Perloff, Ivons, Owen,
Collins (W), Collins (C)

HOUSE JOINT RESOLUTION

WHEREAS, the Alabama Gulf Coast was severely battered and damaged even though spared the full force of Hurricane Camille's unprecedented destructive force; and

WHEREAS, area law enforcement personnel and units of the American Red Cross and Civil Defense, together with countless volunteer workers, labored long and hard to prepare South West Alabama for the hurricane, assisted in evacuating thousands of citizens from exposed areas and in providing shelter for refugees from the storm; and

WHEREAS, the same persons, together with hundreds of state, municipal, and utility employees immediately proceeded after the passage of Hurricane Camille with the tremendous task of "clean-up" and in restoring traffic arteries and vital utility services, and remain even now so engaged; and

WHEREAS, representatives of the area news media, including radio, television and press, ably performed the invaluable

service of keeping South West Alabama residents fully informed throughout the long hours before, during and after the passage of Hurricane Camille;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That we commend the law enforcement personnel of South West Alabama, particularly of Mobile and Baldwin Counties, the Mobile Chapter of the American Red Cross, the Mobile Area Civil Defense, the many volunteer workers, the hundreds of area state, municipal and utility employees, and the representatives of the area news media, including radio, television and press, for their invaluable services to residents of the Alabama Gulf Coast before, during and after the passage of Hurricane Camille.

BE IT RESOLVED FURTHER, That an enrolled copy of this resolution be sent to the governing bodies of Mobile and Baldwin Counties, to the municipal governing bodies in all municipalities in Mobile and Baldwin Counties, to the Mobile Chapter of the American Red Cross, to the Mobile Area Civil Defense, to the utilities serving Mobile and Baldwin Counties, and to the radio and television stations and newspapers serving Mobile and Baldwin Counties.

Approved September 12, 1969.

Time: 3:36 P.M.

Act No. 708

H.J.R. 129—Money

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That we note with profound sorrow the deaths of Mrs. Ludie P. Gafford and Mr. Grover Cleveland Gafford, the parents of our esteemed colleague from Jefferson County, and extend our sympathy to Representative Gafford and the members of his family for their great loss.

Approved September 12, 1969.

Time: 3:37 P.M.

Act No. 709

H.J.R. 130—Money, House, Bowers

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That this body mourns the untimely death of Mr. Roy Hilton Adwell, father of our respected colleague from

Jefferson County, and extends its sympathy to the surviving members of his family, to whom copies of this resolution shall be sent.

Approved September 12, 1969.

Time: 3:38 P.M.

Act No. 710

H.J.R. 133—Cook (Jeff.), Ellis, Bowers,
Meeks

HOUSE JOINT RESOLUTION

TO THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES:

The Alabama Legislature, in Regular Session, most respectfully represent that Amendment Fourteen to the Constitution of the United States is being interpreted and construed by the Federal Judiciary and Executive Departments of the Federal Government to require racial quotas in faculties and student bodies of various school systems throughout the country and to require the bussing of students from neighborhood schools to schools outside the neighborhood in order to achieve racial quotas or balance in the school system. The Alabama Legislature agrees with the Congress of the United States that racial balance and bussing of students in order to achieve racial balance should not be and is not required by the Constitution of the United States, but that the Federal Judiciary and Federal Executive Departments are ignoring the mandates of Congress in this regard; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress, under the authority of Article V of the Constitution of the United States to propose an amendment to the Constitution of the United States, Amendment Fourteen thereof, by adding a proviso thereto substantially as follows:

“The Constitution of the United States, as amended, shall not be construed in such a manner as to empower the President of the United States, the Congress of the United States or the Judiciary of the United States to require quotas or balance on account of race, color, creed or national origin in pupil or faculty assignments in the educational systems operated by the various states or their political subdivisions. Any method or pupil or faculty assignment which recognizes the freedom of choice of any citizen residing within the boundaries of any particular educational system shall be construed to afford to such citizen the privileges and immunities of a citizen of the United States,

and shall be construed as affording to such citizen equal protection of the law and shall not be construed as a deprivation of life liberty or property without due process of law."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States and to the Presiding Officers of the separate Houses of the Legislature of the several states and to the Governors of the several states and to the members of the Alabama delegation in the Congress of the United States.

Approved September 12, 1969.

Time: 3:39 P.M.

Act No. 711

H.J.R. 134—Turnham

HOUSE JOINT RESOLUTION

WHEREAS, Mr. Jabe Brassell, father of our esteemed brother Representative Bowen Brassell, was instrumental in obtaining federal funds in 1951 for the construction of national guard armories in Alabama; and

WHEREAS, Mr. Jabe Brassell, himself a member of the national guard, labored vigorously to secure passage in this Legislature of the first bill providing for such armories; and

WHEREAS, this eminent Alabamian has been for many years a devoted and conscientious servant of the national guard here in Alabama; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF ALABAMA, THE SENATE CONCURRING, That the national guard armory in Phenix City be named the "Fort Jabe Brassell Armory."

Approved September 12, 1969.

Time: 3:40 P.M.

Act No. 712

H.J.R. 136—Fite

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That H. B. No. 91 be named the Turner, Snell, Cook (Jefferson), Cook (Coffee), Fite, Agee, Bank, Bassett, Beck, Berryman (W), Brannan, Brassell, Burgreen, Cameron, Collier, Crawford, Dill, Dobbs, Doss, Down-

ing, Edington, Fine, Foshee, Garrett, Graham, Grainger, Grayson, Hardin, Haygood, Headley, Higginbotham, Hobbie, Holliday, Holman, Jackson (F), Kilgore, Laxson, Lemley, Malone, Mays, McCorquodale, McElhaney, McLain, Meade, Merrill, Money, Neville, Owen (Baldwin), Owens (W), Pearson, Pennington, Robertson, Slate, Smith, Springer, Steagall, Stembridge, Tuck, Turnham, Williams, and Young bill.

Approved September 12, 1969.

Time: 3:41 P.M.

Act No. 713

H.J.R. 137—House

HOUSE JOINT RESOLUTION

WHEREAS the Greater Hueytown Dixie Boys Baseball Team, overcoming strenuous and determined opposition, have, through their individual and collective efforts, achieved the supreme accolade of juvenile baseball by winning the tournament held at Hattiesburg, Mississippi, and being named Dixie Boys World Champions of 1969; and

WHEREAS the members of this body and the people of Alabama are justly proud of the skill and dedication shown by these boys and their coaches, who have demonstrated to the world that Alabama boys can compete successfully in the world of baseball; and

WHEREAS these fine young men of the ages of thirteen and fourteen have demonstrated the best qualities of physical fitness, mental alertness, and love of competition inherent in the youth of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Greater Hueytown Dixie Boys Baseball Team for its shining accomplishment.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to each member of the Greater Hueytown Dixie Boys Baseball Team, World Champions of 1969.

Approved September 12, 1969.

Time: 3:42 P.M.

Act No. 714

H.J.R. 138—Jackson (T), Cherner, Gloor, House

HOUSE JOINT RESOLUTION

WHEREAS this year marks the sesquicentennial anniversary of Alabama's statehood; and

WHEREAS due respect for our rich heritage demands that recognition be taken of the import of this occasion; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That so much of Highway 150 as runs between the city of Bessemer and Highway 31 shall be known as the "Sesquicentennial Highway."

RESOLVED FURTHER, That the highway department shall erect appropriate road markers along this stretch of highway.

Approved September 12, 1969.

Time: 3:43 P.M.

Act No. 715 H.J.R. 140—Collins (C), Grayson, Downing,
Perloff, Wood, Nettles,
Edington, Collins (W), Marr

HOUSE JOINT RESOLUTION

WHEREAS, Kenneth R. Giddens of Mobile has just been appointed by President Richard M. Nixon as head of the Voice of America, and

WHEREAS, Mr. Giddens has had long experience in radio and television as President of WKRG Radio and Television in Mobile, and has been extremely active in international relations throughout many years, having made many trips abroad and indeed all over the world to foster betterment of relations between the United States of America and all other countries, and

WHEREAS, the Voice of America has studios in Washington, D. C. and a shortwave radio network with base transmitter broadcasting directly to overseas listeners and feeding relay stations, with estimated overseas audiences in the tens of millions, and

WHEREAS, Mr. Giddens' appointment runs indefinitely and avails the American public of his experience and interest, which has been shown by his presidency of the Alabama Broadcasters Association in 1961-62 and as a member of the Board of the National Broadcasters Association from 1962 to 1965, and

WHEREAS, Mr. Giddens' financial ability has been shown throughout the years as a developer of Bel Air Mall in Mobile and other business interests, having also been a member of the Board of the New Orleans Branch of the Federal Reserve Bank of Atlanta for six years, also serving as Chairman of that Board,

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That Mr. Kenneth R. Giddens be commended on this most important assignment, and that the Voice of America be commended for obtaining the talents of this versatile Alabamian, and that this resolution be spread upon the pages of the Journal and a copy be sent to Mr. Giddens.

Approved September 12, 1969.

Time: 3:44 P.M.

Act No. 716

H.J.R. 141—McCorquodale

HOUSE JOINT RESOLUTION

WHEREAS our beloved colleague Representative L. Gardner Bassett has served this state with the most profound dedication for many years; and

WHEREAS Representative Bassett's devotion to the protection of the democratic processes here in Alabama has caused him never to miss a roll call during 20 years service in the Legislature; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That this body commends Representative Bassett for his exemplary conduct and constant enthusiasm in adhering to the principle of government of the people, by the people and for the people.

Approved September 12, 1969.

Time: 3:45 P.M.

Act. No. 717

H.J.R. 144—Jackson (Jeff).

HOUSE JOINT RESOLUTION

WHEREAS Carl Ross Jr., of Bessemer, one of that city's leading attorneys, passed away this week; and

WHEREAS Carl Ross Jr., was well known throughout the State and in his community; and

WHEREAS Carl Ross Jr., was highly regarded professionally by his fellow attorneys in Jefferson County and by the entire membership of the Alabama State Bar; and

WHEREAS The Bar of Alabama, The Profession of Law, and The Community of Bessemer have suffered a grievous loss at his passing, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Carl Ross Jr., and express our deepest sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Carl Ross Jr., and to Carl Ross Sr.

Approved September 12, 1969.

Time: 3:46 P.M.

Act No. 718

H.J.R. 146—Owen, Bowers, Money, Brannan

HOUSE JOINT RESOLUTION

WHEREAS, the State of Alabama, and the County of Baldwin in particular, suffered a distinct loss in the passing of one of its most beloved and esteemed citizens, Mr. J. Fred Thrasher on August 13, 1969; and

WHEREAS, Mr. Thrasher served our country with distinction overseas in World War II and his fellow veterans as Post Commander of Post 3568 Veterans of Foreign Wars; and

WHEREAS, Mr. Thrasher served his county many years without compensation as coroner and tirelessly served his fellowman with many thoughtful kindnesses that will keep his memory alive for years to come in the hearts of his host of friends;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we deeply regret the passing of Mr. Thrasher and extend our heartfelt sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved September 12, 1969.

Time: 3:47 P.M.

Act No. 719

H.J.R. 148—Burgess

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. B. 513, which has passed both houses be designated and known as "The Ellis-Albea Bill."

Approved September 12, 1969.

Time: 3:48 P.M.

Act No. 720

H.J.R. 149—Doss, Slate

HOUSE JOINT RESOLUTION

WHEREAS Mr. Barrett Shelton Sr., long-time editor of the Decatur Daily, one of Alabama's leading newspapers, is to receive a much deserved honorary degree of Doctor of Laws from the University of Alabama; and

WHEREAS Mr. Shelton has for many years been greatly responsible for the growth and expansion of the city of Decatur and the north Alabama area; and

WHEREAS Mr. Shelton has been particularly effective in promoting the improvement of the area in the attraction of new industry and in the enlargement and expansion of needed medical services and facilities; and

WHEREAS much credit is due Mr. Shelton for his untiring efforts in every field which effected the progress of the entire Tennessee Valley, and this body wishes its pride in Mr. Shelton's achievements to be a permanent record in the archives of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Barrett Shelton upon the occasion of his receiving the honorary degree of Doctor of Laws from the University of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Barrett Shelton Sr., and to Mr. Barrett Shelton Jr.

Approved September 12, 1969.

Time: 3:49 P.M.

Act No. 721

H.J.R. 150—Adwell

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Ruth Lawson Hanson, wife of the late Mr. Victor Hanson, has been designated a recipient of an honorary doctor of humanities degree by the University of Alabama—Birmingham; and

WHEREAS Mrs. Hanson has been a dedicated leader in the field of diabetes research for more than two decades; and

WHEREAS Mrs. Hanson endowed the Ruth Lawson Hanson Chair of Medicine at the Medical College of Alabama for the study of diabetes; and

WHEREAS Mrs. Hanson has unselfishly devoted her time and efforts to such worthy activities as the Birmingham Lay Diabetes Society, the Diabetes Trust Fund and the Camp Seale Harris for diabetic children; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That this body holds Mrs. Hanson in the highest esteem for her untiring efforts in fighting diabetes and commends Dr. Joseph F. Volker, president-elect of the University of Alabama—Birmingham, for the wisdom of selecting such an outstanding citizen to receive this honorary degree.

RESOLVED FURTHER, that copies of this resolution shall be sent to Mrs. Hanson and Dr. Volker.

Approved September 12, 1969.

Time: 3:50 P.M.

Act No. 722

H.J.R. 151—Bassett, Hardin

HOUSE JOINT RESOLUTION

WHEREAS, Mr. LaMont Glass passed away in Greenville, Alabama, on August 20, 1969, after a useful Christian life; and

WHEREAS, Mr. Glass served two terms, 1959 and 1963, in the House of Representatives of the Legislature of the State of Alabama, and was one of the most respected members of that body; and

WHEREAS, Mr. Glass, through his high personal integrity, meritorious services, and understanding heart, endeared himself to his colleagues and his entire community:

NOW, THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we express deepest regrets at the passing of Mr. LaMont Glass and extend sincerest sympathy to his widow and the surviving members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his widow, Mrs. LaMont Glass, and to his daughters, Floretta Glass Clark and Elaine Glass Clark and his grandchildren.

Approved September 12, 1969.

Time: 3:51 P.M.

Act No. 723

H.J.R. 154—Steagall

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that

WHEREAS, Edward W. Lisenby of Ozark, Alabama, lost his life on Friday, August 22, 1969, in a tragic accident, and his untimely death at the age of thirty-three leaves his family, his friends, and all citizens of Ozark deeply grieved, and

WHEREAS, Edward W. Lisenby contributed in many ways to the progress and advancement of the City of Ozark and its citizens, serving on the City Council of the City of Ozark, and having a keen interest in schools, community growth, and exhibiting great vision and foresight in the development of his city, county, and state, and

WHEREAS, the Dale County Public Lake, situated in Ozark, Dale County, was built on land, obtained in part from Joseph W. Lisenby, the father of Edward Lisenby, and therefore it seems only appropriate that Dale County Public Lake should be designated and named by the Legislature of Alabama "The Edward W. Lisenby Public Lake";

NOW, THEREFORE, BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring, that the Dale County Public Lake shall be named and designated and hereafter known as "The Edward W. Lisenby Public Lake".

Resolved further that copies of this resolution be furnished Mrs. Stephanie M. Lisenby, Ozark, Alabama, the widow of Edward W. Lisenby, and Mrs. Grace B. Lisenby, Ozark, Alabama, mother of said decedent, and to the appropriate news media.

Approved September 12, 1969.

Time: 3:52 P.M.

Act No. 724

H.J.R. 156—Robertson, Brown, Culver,
Bank

HOUSE JOINT RESOLUTION

WHEREAS the gracious ladies of American Legion Auxiliary Post 208 of Northport, Alabama have contributed greatly to the welfare of their community, state and nation through diligent and effective work in civic affairs; and

WHEREAS these ladies, by their dedicated labors in the veteran's hospital, have made life more cheerful for those confined there, and have helped the Legion to fulfill its avowed duty to this nation's veterans; and

WHEREAS by their sponsorship of Girls State and Girls Nation, the ladies of the Legion Auxiliary have caused countless

fine young women to become interested in government and devoted to the ideals of Americanism; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and commend the ladies of American Legion Post 208 at Northport for their measureless contribution to the benefit of this country.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Estelle Mitchell, President of American Legion Auxiliary Post 208.

Approved September 12, 1969.

Time: 3:53 P.M.

Act No. 725

H.J.R. 158—Pennington, Grainger,
Slate

HOUSE JOINT RESOLUTION

WHEREAS our late Governor, the gracious and courageous Lurleen Burns Wallace, by her sincere and selfless devotion to duty won a place in the hearts and minds of all of the people of the State of Alabama; and

WHEREAS the members of this body are deeply appreciative of the services this wonderful lady performed for the state and for the people, and wish to show their appreciation in a tangible way; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a page in the Journal of the House be dedicated to the memory of Governor Lurleen Burns Wallace.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to former Governor George C. Wallace.

Approved September 12, 1969.

Time: 3:54 P.M.

Act No. 726

H.J.R. 159—Pennington, Grainger, Slate

HOUSE JOINT RESOLUTION

WHEREAS the Honorable Chauncey Sparks, Governor of this state from 1943 to 1946, passed away on November 6, 1968, to the sorrow and loss of all who knew him; and

WHEREAS the people of this state owe a great deal to the memory of one of its finest and most able governors, who guided the fortunes of Alabama through the perilous years of World War II, and whose administration produced much fruitful and effective legislation which is still working to the benefit of the people of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a page in the Journal of the House be dedicated to the memory of our beloved former governor Chauncey Sparks.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Governor Sparks.

Approved September 12, 1969.

Time: 3:55 P.M.

Act No. 727

H.J.R. 160—Pennington, Grainger, Slate

HOUSE JOINT RESOLUTION

WHEREAS the Honorable Gordon Persons, who passed away four years ago, was one of the finest and most effective governors this state has ever had; and

WHEREAS this body feels that some action should be taken to record the appreciation owed by the people of Alabama to one of our greatest governors; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a page in the Journal of the House be dedicated to the memory of Governor Gordon Persons.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Governor Gordon Persons.

Approved September 12, 1969.

Time: 3:56 P.M.

Act No. 728

H.J.R. 161—Cherner, Yeilding, Money, Jackson (Jefferson), Gloor, Adwell, House, Meeks, Weeks, Waggoner, Pennington, Sessions

HOUSE JOINT RESOLUTION

WHEREAS the Honorable Frank Murray Dixon, former Governor of Alabama who died October 11, 1965, was one of

Alabama's outstanding patriots, a hero of World War I, and one of the most progressive and efficient governors this state has ever had; and

WHEREAS Governor Dixon's administration fostered the merit system for state employees, the teacher retirement plan, and created the Pardon and Parole Board; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a page in the Journal of the House be dedicated to the memory of Governor Frank M. Dixon.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Governor Dixon.

Approved September 12, 1969.

Time: 3:57 P.M.

Act No. 729

H.J.R. 162—McDonald, Starnes, Drake

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That that portion of U. S. Highway 231 from the Tennessee river to the city limits of Arab, Alabama be designated the "Brindlee Mountain Parkway", at the time that such highway becomes a four lane thoroughfare.

BE IT FURTHER RESOLVED, That the Highway Department be instructed to erect suitable markers or signs to indicate the name of the Brindlee Mountain Parkway at the time the construction is completed.

Approved September 12, 1969.

Time: 3:58 P.M.

Act No. 730

H.J.R. 163—Owens (W), Headley

HOUSE JOINT RESOLUTION

WHEREAS Corporal Walter Joseph Smith, and Trooper Samuel Neil Rucker have performed outstanding and meritorious services to the members of the Senate and the House of Representatives during the special and regular sessions of the legislature in 1969; and

WHEREAS Corporal Smith, a ten year veteran of the Department of Public Safety, and Trooper Rucker, who has served five years, have shown themselves to be helpful, efficient

and most cooperative in their duties to the members of both houses; and

WHEREAS these officers have exemplified the highest character and professional conduct in all their relations with the members and with the general public; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Walter Joseph Smith and Samuel Neil Rucker for their outstanding services to the legislature.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Corporal Smith and Trooper Rucker, to the Director of Public Safety, and to the Governor of Alabama.

Approved September 12, 1969.

Time: 3:59 P.M.

Act No. 731

H.J.R. 164—Young

HOUSE JOINT RESOLUTION

WHEREAS Mrs. Eloise Stuart who has most efficiently and effectively served in various official capacities with the Legislative Reference Service for over twenty-five years, and most recently as executive administrator, has been named Acting Director of that organization; and

WHEREAS Mrs. Stuart has not only dedicated her uncommon energy and ability to her work with outstanding devotion, but she has always been most gracious in her dealings with each member of this Legislature. Her friendly personal greetings to the members of this body have won for her much warm affection and her crisp efficiency has earned for her the high respect and regard which she holds; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we assure Mrs. Stuart that we are deeply appreciative of her fine services and are particularly grateful for her extraordinary performances under the most difficult of circumstances during the current and recent special session of the Legislature. We commend her upon her elevation to the high post to which she is an adornment.

Approved September 12, 1969.

Time: 4:00 P.M.

Act No. 732

H.J.R. 165—Edington

HOUSE JOINT RESOLUTION

WHEREAS, the USS MOBILE (LKA 115) was launched on the 19th day of October, 1968, and will be commissioned in September of 1969 at Newport News, Virginia; and

WHEREAS, the USS MOBILE is named for the oldest and second largest city in the State of Alabama; and

WHEREAS, the people of Alabama wish to express their appreciation to the U.S. Navy Department for so honoring this State and the City of Mobile:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses Thereof Concurring, That the U. S. Navy Department is hereby commended for the above mentioned honor given the City of Mobile and the State of Alabama; that the prospective Commanding Officer, Captain Samuel Lorenz, Jr., U. S. Navy, his officers and the men on board MOBILE shall experience safe voyages and the MOBILE shall forever be protected from the perils of the sea.

Approved September 12, 1969.

Time: 4:01 P.M.

Act No. 733

H. 3—Owen (Baldwin), Jackson (F)

AN ACT

To amend Section 5 of Act No. 352, H. 44, approved August 23, 1957, General Acts of Alabama of 1957, page 464, as amended by Act No. 80, H. 118, approved September 30, 1965, page 110, so as to remove the requirement that an allocation be made as to each pool where there is an addition to an existing fieldwide unit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 352, H. 44, approved August 23, 1957, General Acts of Alabama of 1957, page 464, as amended by Act No. 80, H. 118, approved September 30, 1965, Second Special Session of 1965, page 110, is hereby amended to read as follows:

“Section 5. New or Amending Orders.

A. The Board, by entry of new or amending orders, may from time to time add to unit operations portions of pools not theretofore included, and may add to unit operations new pools or portions thereof, and may extend the unit area as required. Any such order, in providing for allocation of production from the unit pool of the unit area, shall first allocate to such pool or pools or portion thereof so added a portion of the total pro-

duction of oil or gas, or both, from all pools affected within the unit area, as enlarged, (and not required in the conduct of unit operations or unavoidably lost), such allocation to be based on the relative contribution which such added pool or pools or portion thereof is expected to make, during the remaining course of unit operations, to the total production of oil or gas, or both, so allocated. The production so allocated to such added pool or pools or portions thereof shall be allocated to the separately owned tracts which participate in such production on the basis of the relative contribution of each such tract, as provided in paragraph (c) of Section 3 herein. The remaining portion of unit production shall be allocated among the separately owned tracts within the previously established unit area in the same proportions as those specified in the previous order. Orders promulgated under this paragraph shall become operative at seven o'clock (7:00) A.M. on the first day of the month next following the day on which the order becomes effective under the provisions of paragraph B of this section.

B. An order promulgated by the Board under paragraph A of this section shall not become effective unless and until (1) all of the terms and provisions of the unitization agreement relating to the extension or enlargement of the unit area or to the addition of pools or portions thereof to unit operations have been fulfilled and satisfied and evidence thereof has been submitted to the Board, and (2) the extension or addition effected by such order has been agreed to in writing by the owners of at least seventy-five percentum (75%) in interest as costs are shared of the area or pools or portions thereof to be added to the unit operation by such order and by seventy-five percentum (75%) in interest of the royalty and overriding royalty owners in the area or pools or portions thereof to be added to the unit operations by such order, and evidence thereof has been submitted to the Board. In the event both of the above requirements are not fulfilled within six (6) months from and after the date of such order it shall be automatically revoked.

C. After the operative date of an order promulgated under this section, costs and expenses of operation of the unit, as enlarged, shall be governed by paragraph (e) of Section 3 herein. Adjustment among the owners of the unit area, as enlarged, (not including royalty owners) of their respective investments, in wells, tanks, pumps, machinery, materials, equipment, and other things and services of value attributable to the operation of the unit, as enlarged, shall be governed by paragraph (d) of Section 3 herein.

Section 2. If any clause, sentence, paragraph, provision, part, or section of this Act shall for any reason be adjudged by any court of competent jurisdiction invalid, such judgment shall

not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, provision, part, or section thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:02 P.M.

Act No. 734

H. 23—McCorquodale, Pennington, Agee,
Cook (Coffee), Bank, Garrett

AN ACT

To authorize the establishment and incorporation of the State Toll Bridge Authority; to empower said authority to finance, purchase, construct, and operate toll bridges in Alabama; to authorize said authority to issue bonds of indebtedness, enter into contracts, and collect tolls; and to authorize said authority to acquire and dispose of properties, and to exercise powers, privileges, and rights necessary for the construction, operation, and maintenance of toll bridge projects in this State.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, including the plural of any thereof, whenever used in this act, shall, in the absence of clear implication herein otherwise, have the following respective meanings:

"The authority" means a corporation organized pursuant to the provisions of this act.

"Board" means the board of directors of the authority.

"The state" means the State of Alabama.

"Highway department" means the State Highway Department of the state or any other agency of the state that may succeed to its functions.

"Public road" means any public highway, road, street, avenue or alley, whether such highway, road, street, avenue or alley is maintained by the state, the county, or any incorporated municipality or other political subdivision of the state, and includes any public highway, road, street, avenue or alley located within the corporate limits of any incorporated municipality in the county.

"Bridge" or "bridge project" means any structure spanning a depression or passing above an obstacle, either land or water (except any proposed structure from the peninsula upon which

Fort Morgan in Baldwin County is located across Mobile Bay to Dauphin Island), and intended primarily for the use of vehicles normally travelling upon the public roads of Alabama, and all causeways, overpasses, underpasses, interchanges, toll houses, and other facilities necessary to the use thereof.

“Access road” means that portion of any public road leading to and located within one and one-half miles of any entrance of a bridge project.

“Cost” as applied to the construction of a new bridge project or to the construction of extensions or improvements to a then existing bridge project means the cost of such construction, the cost of acquisition of all lands, rights-of-way, property rights, easements, franchises and interests acquired by the authority for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be removed, the cost of the diverting and interchange of highways, the cost of constructing, acquiring and improving access roads, including the cost of land for easements therefor, the cost of all machinery and equipment, cost of traffic estimates, plans, specifications, surveys, estimates of costs and of revenues and other expenses necessary or incident to determining the feasibility or practicability of constructing, extending or improving such bridge project, administrative expense, such other expenses as may be necessary or incident to such construction and the placing of such new, extended or improved bridge project in operation, and any other costs, charges, fees and expenses herein expressly stated to constitute a portion of the cost of the construction, extension or improvement of any bridge project.

“Bond” means any bond authorized to be issued pursuant to the provisions of this act.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a bond.

“Indenture” means any trust agreement or trust indenture executed by the authority as security for any bonds issued by it.

Section 2. Authority to Incorporate. There is hereby created a board of seven members which shall be composed of the Highway Director, the Director of Finance and five other members appointed by the Governor who shall be residents of divergent areas of this State. Said board, or a majority thereof, is hereby authorized to execute a certificate of incorporation pursuant to the provisions of this act and of the laws of Alabama regulating incorporations.

Section 3. The certificate of incorporation shall state:

(a) The name of the corporation (which shall be "The State Toll Bridge Authority");

(b) The object for which the corporation is formed (which shall be the planning, financing, location, construction, maintenance, and operation of toll bridge projects across major streams in Alabama;

(c) The location of its principal office within the state;

(d) The names and places of residence of the five persons appointed by the governor and authorized to execute the certificate of incorporation;

(e) The period of duration for the authority (if perpetuity, this should be stated).

Section 4. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of the authority shall be signed and acknowledged by the incorporators (or a majority thereof) before an officer authorized by the laws of the state to take acknowledgments of deeds, and shall have attached thereto a certificate by the Secretary of State of Alabama that the name proposed for the authority is not identical with that of any other corporation organized under the laws of the state, or so nearly similar thereto as to lead to confusion and uncertainty. The aforesaid documents shall be filed for record in the office of the Secretary of State. When such certificates have been filed, the authority referred to therein shall come into existence and shall constitute a body corporate and politic and a political subdivision of the state, and the authority shall be vested with the rights and powers herein granted.

Section 5. Board of Directors. The Highway Director, Finance Director and the five persons appointed by the governor pursuant to Section 2 shall constitute the Board of Directors of the authority. Said Board of Directors shall be the governing body of the authority and all powers of the authority shall be exercised by the board, or pursuant to its authorization. Each member of the Board shall be appointed for a term of four (4) years and their terms shall commence upon the day of appointment.

Section 6. No member of the board shall be entitled to any compensation for acting as such or for acting as an officer of the authority, except that all such members may be reimbursed for actual expenses incurred in and about the performance of their duties as members of the board or officers of the authority. A majority of the members of the board shall constitute a quorum for the transaction of business. No vacancy in the

membership of the board shall impair the right of a quorum to exercise and perform all the powers and duties of the authority. All proceedings of the board shall be reduced to writing by the secretary of the authority and recorded in a well bound book. Copies of such proceedings, when certified by the secretary of the authority under its seal, shall be received in all courts as evidence of the matters and things therein certified.

Section 7. Officers of the Authority. The officers of the authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board shall deem necessary to accomplish the purposes for which the authority was organized. The officers of secretary and treasurer may but need not be held by the same person. The chairman and the vice-chairman of the authority shall be elected by the board from its membership; the secretary, the treasurer and the other officers of the authority, who may but need not be members of the board, shall also be elected by the board.

Section 8. Powers of the Authority—In General. The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as hereinafter provided; (2) to sue and be sued in its own name in civil suits and actions, excepting actions in tort against the authority; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt and alter by-laws for the regulation and conduct of its affairs and business; (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same; (6) to acquire, locate, construct, own, enlarge, improve, maintain, repair, and operate bridge projects across major streams in this State; (7) to borrow money for any corporate purpose and to issue in evidence of such borrowing interest bearing revenue bonds payable from the limited sources hereinafter referred to; (8) to pledge for payment of such bonds any revenues and funds from which such bonds are made payable; (9) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of the purposes for which it was organized; (10) to exercise the power of eminent domain in the manner provided by Title 19 of the Code of Alabama of 1940, as amended, with respect to any property, real, personal or mixed, including property already devoted to public use, or any interest in property, including property already devoted to public use, that the authority may determine to be reasonably necessary for the construction, extension, maintenance, operation, pro-

tection or preservation of bridge projects or for the relocation or reconstruction of any public road to be effected under the provisions of this act or for the construction, enlargement, improvement or extension of any access road; (11) to appoint, employ and compensate such officers, employees and agents, including engineers, attorneys and fiscal advisers, as the business of the authority may require; (12) to fix, establish, collect and alter tolls and other charges for the use of any bridge project owned by it; (13) to make and enforce (in the manner hereinafter provided) rules and regulations governing the use of any bridge project owned by it; (14) to provide for such insurance as the board may deem advisable; (15) to invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America; (16) to cooperate with the state, highway department, the county, any municipality in the county, and any other political subdivision of the state, and to make such contracts with such agencies as the board may deem advisable; (17) to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful in connection with, or in the operation of, the bridge project with respect to which they were acquired, provided that it shall not have the power to sell or convey any bridge project substantially as a whole except as hereinafter provided; (18) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any bridge project from the United States of America or any agency thereof, and from the county, the highway department, the state or any agency or other political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever.

Section 9. Powers of the Authority with Respect to Public Roads and Access Roads. (a) Subject to the limitations hereinafter specified in this subsection (a) the authority shall have the power to locate and to make any change in the location of any public road that it determines to be reasonably necessary to the construction, extension, improvement or operation of any bridge project. The authority shall also have the power, subject to the limitations hereinafter specified in this subsection (a), to construct grade separations at any intersections of a bridge project with public roads, and to change and adjust the lines and grades of such intersecting public roads so as to accommodate them to the design of such grade separation. If the authority finds it necessary to change the location of any public road, it shall cause such public road to be reconstructed

at such location as the authority deems most favorable, such reconstructed public road to be of substantially the same type and in substantially as good condition as the original public road. The cost of so reconstructing any public roads, of constructing any such grade separations and of making any changes and adjustments in the line or grade of any public road, as well as any damage incurred in changing and adjusting the grade, line and location of any public road, shall be ascertained and paid by the authority as a part of the cost of the bridge project with respect to which such construction, relocation, reconstruction, change or adjustment was made. Any change or adjustment in the grade, line or location of any public road shall be made in such manner as best to serve the interests of the public and to effectuate the purposes of this act. Before changing the grade, line or location of any public road, the authority shall obtain the approval of the governing body or public agency at the time charged with the responsibility of maintaining the public road, the grade, line or location of which is proposed to be changed or adjusted.

(b) The authority shall have the power to construct, repair, maintain and improve any new access road that in its opinion will increase or facilitate the use of the bridge project to which such road affords access. The authority shall also have the power to take over and use any existing access road as a part of a bridge project, to maintain, repair, improve, realign and reconstruct such existing access road so taken over for use as a part of a bridge project, and to maintain, repair, improve, realign and reconstruct any existing access road without taking it over the use as a part of a bridge project, provided that it first obtains the consent of the governing body or public agency at the time charged with the responsibility of maintaining the access road proposed to be taken over, used, maintained, repaired, improved, realigned or reconstructed by it. The authority shall have the obligation to maintain and repair any new access road constructed by it, any existing access road taken over by it for use as a part of a bridge project, and any existing access road, eighty per centum (80%) or more of which shall have been built over new alignment by it, until such time as the bridge project with respect to which such new or existing access roads were constructed, taken over or realigned shall have been turned over to the highway department pursuant to the provisions of this act. Except as provided in the preceding sentence, the authority may at any time return any existing access road taken over by it for maintenance, repair, improvement, realignment and reconstruction to the agency or subdivision charged with responsibility for its maintenance immediately prior to the time it was taken over by the authority.

(c) Nothing herein contained shall be construed as empowering the authority to change the grade, line or location of any public road in a municipality or to take over, use, maintain, repair, improve, realign or reconstruct any existing access road in a municipality without first obtaining the consent of the governing body of the municipality in which such public road or access road is located, it being the intent hereof that if such municipality is not at the time charged with responsibility of maintaining such public road or existing access road, the authority shall obtain the consent of both the governing body or agency at the time so charged and such municipality.

(d) The state, the highway department, the county, any incorporated municipality in the county and any other agency or political subdivision of the state are hereby empowered and authorized to grant to the authority the following rights, powers, permits and franchises with respect to public roads and access roads under their respective jurisdictions: (1) the right to change the location, line and grade of any public road; (2) the right to take over and use any existing access road as a part of a bridge project, and the right to maintain, repair, improve, realign and reconstruct any such existing access road so taken over for use as a part of a bridge project; (3) the right to maintain, repair, improve, realign and reconstruct any existing access road without taking it over for use as a part of a bridge project; and (4) any other rights, powers, permits and franchises that the authority may reasonably request in furtherance of its corporate purposes. Such rights, powers, privileges and franchises may be granted for a period of time co-extensive with the life of any bonds of the authority payable, in whole or in part, out of the tolls and other revenues from the bridge project or projects with respect to the development of which such rights, powers, permits and franchise were granted.

Section 10. Powers of the Authority—Miscellaneous. (a) The authority and its authorized agents and employees may enter upon any lands, water and premises in this State for the purpose of making such surveys, soundings, drillings and examinations as it may deem necessary or convenient to the efficient accomplishment of the purposes for which it was organized. Such an entry shall not be deemed a trespass or an entry under any condemnation proceedings that may then be pending. The authority shall make reimbursements for any actual damages resulting to such lands, water and premises as a result of such activities, which damages shall be deemed a part of the cost of the bridge project with respect to the development of which they were sustained.

(b) The authority may prescribe, alter and enforce reasonable regulations for the installation, construction, maintenance,

repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public utility, whether privately or publicly owned, in, on, along, over or under any bridge project or land needed for the construction, improvement, extension or operation of any bridge project. Whenever the authority shall determine that it is necessary that any such public utility facilities that now are or may hereafter be located in, over, along, on or under any such bridge project or land be relocated in or removed from such bridge project or land, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the orders of the authority. The costs and expenses of such relocation or removal, including the costs of installing such facilities in a new location or locations and the cost of any land or rights or interests in lands and any other rights acquired to accomplish such relocation and removal, shall be ascertained and paid by the authority as a part of the cost of the bridge project with respect to the development of which such facilities were removed or relocated. In the case of any such relocation of facilities in such bridge project, the public utility owning or operating the facilities, or its successors and assigns, may maintain and operate the facilities with the necessary appurtenances in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such facilities in their former location or locations.

Section 11. Tolls and Other Charges. The authority is hereby empowered to fix, revise, charge and collect tolls for the use of its bridge projects and the different parts or sections thereof, and to contract with and to make leases to or from any person, firm or corporation desiring to use any part thereof, including any adjoining right-of-way, for placing thereon telephone, telegraph, electric light or power lines, or pipelines for steam, gas, water or petroleum products. Tolls for the use of any bridge project with respect to which there is an outstanding pledge of revenues for payment of bonds of the authority shall be fixed, revised and collected in accordance with the requirements of the indenture or resolution pursuant to which such bonds were issued. Tolls for the use of any bridge project with respect to which there are no outstanding pledges of revenues for payment of bonds of the authority shall be fixed, revised and collected in accordance with the provisions of Section 20 of this act. The authority shall be completely independent of, and neither its tolls, revenues, rules or regulations shall be subject to, any supervision or regulation by the Alabama Public Service Commission or by any other commission, board, bureau or agency of the state or any political subdivision thereof.

Section 12. Regulations and Police Service for Bridge Projects. (a) The authority shall have the power to prescribe, alter and enforce (in the manner hereinafter provided) reasonable rules and regulations with respect to the use of any of its bridge projects. Such rules and regulations may relate to vehicular speeds, loads, weights and sizes, safety devices, rules of the road and such other matters as may be necessary and proper to regulate traffic in such bridge project in the interest of safety and the maximum convenience of the persons using it. Such rules and regulations shall apply according to their terms to all sections of any bridge project under the jurisdiction of the authority and to all its structures and other appurtenances. Insofar as such rules and regulations may be inconsistent with the rules and regulations made by the highway department with respect to such matters or with the laws, ordinances and regulations of the state or any political subdivision thereof relating to offenses with respect to public roads, the rules and regulations prescribed by the authority shall be controlling. The authority may also prescribe such reasonable rules and regulations as it may deem advisable for the protection and preservation of, and for the maintenance and preservation of good order within, the property under its jurisdiction and control, and to prevent unnecessary trespassing upon or injury to any part of the right-of-way or any other property of any bridge project.

(b) Violations of such rules and regulations shall be a misdemeanor, punishable by a fine of not less than \$10 nor more than \$500 and, at the discretion of the judge trying the case, also by sentence to hard labor for the county for a term not to exceed six months. Such rules and regulations and any amendments thereof or changes thereto shall not take effect until duly published one time in a newspaper of general circulation in the county in which the bridge project affected is located.

(c) Each bridge project shall be policed by such a force of police officers as the authority may consider necessary. Such police officers, who shall be employed by the authority, shall have the power to prefer charges against and make arrests of any person or persons violating the laws of the state or any of the by-laws, rules or regulations of the authority as authorized herein on property owned or controlled by the authority. The salaries of such police officers and the expenses of supplying, operating and maintaining any vehicles or other equipment used by them in the performance of their duties shall be paid as an expense of operating the bridge project or projects respectively policed by them.

(d) Any rules and regulations prescribed by the authority pursuant to the provisions of this Section 12 shall provide that any public police officer in this state, whether or not employed

by the authority, shall, while in the performance of his official duties, be afforded ready access to all property under the jurisdiction of the authority and transit across any bridge project owned by the authority without the payment of tolls.

Section 13. Bonds of the Authority. (a) The authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its interest bearing revenue bonds for any of its corporate purposes. The principal of and the interest on any such bonds shall be payable solely from, and may be secured by a pledge of, the tolls and other revenues derived by the authority from the operation of any of its bridge projects remaining after payment of the costs of operating and maintaining the same and the proceeds derived from the sale of such bonds. Bonds of the authority may be issued in one or more series, may bear such date or dates, mature at such time or times (not exceeding forty years from their date or dates), bear interest at such rate or rates (not exceeding 6% per annum, payable semiannually), be in such denomination or denominations, be issued in coupon or fully registered form or in coupon form with provision for registration of principal only or in any combination thereof (with full conversion privileges), and be payable as to both principal and interest at such place or places (whether within or without the state), all as the board may prescribe in the resolution or indenture under which they are issued. Any bond of the authority having a specified maturity date more than ten years after its date shall be made subject to redemption at the option of the authority at the end of the tenth year after its date and on any interest payment date thereafter at a redemption price not exceeding the face amount of such bond plus accrued interest thereon to the date fixed for redemption thereof and a premium of twelve months' interest thereon computed at the rate it would have borne had it not been so called for redemption; provided however, that nothing herein contained shall prevent the authority from retaining the right to redeem any bond having a specified maturity date less than ten years after its date at such price or prices and at such time or times as the board may prescribe in the indenture or resolution under which it was issued. The bonds shall be signed by the chairman of the authority or shall bear his facsimile signature and the official seal of the authority or a facsimile thereof shall be impressed, imprinted, engraved or otherwise reproduced thereon, which seal or facsimile thereof shall be attested by the signature or the facsimile signature of the secretary of the authority; provided however, that the signature of at least one of said officers shall be manually affixed to each of the bonds. Each coupon shall bear the actual or facsimile signature of the chairman of the authority. Signatures or facsimiles thereof on bonds and coupons of persons

who were officers of the authority at the time such signatures or facsimiles were written or imprinted shall continue effective although such persons cease to be such officers prior to any required authentication of such bonds or the delivery of such bonds and coupons. No bonds issued under the provisions of this act shall constitute a debt, obligation or liability of the state, the county or any political subdivision of the state other than the authority, or a charge against the credit or taxing power of the state, the county or any political subdivision of the state. Each such bond shall contain on its face a statement to the effect that the authority is obligated to pay the principal thereof and the interest thereon solely out of tolls and other revenues derived from the operation of a certain bridge project or projects remaining after payment of the costs of operating and maintaining the same, that neither the state, the county nor any political subdivision of the state other than the authority is obligated to pay said principal and interest, and that neither the faith, credit nor taxing power of the state, the county or any political subdivision of the state is pledged to payment of said principal and interest. All bonds issued under the provisions of this act shall be and hereby are declared to be negotiable instruments within the meaning of negotiable instruments law of the state despite the fact that they are payable from a limited source.

(b) All bonds issued under the provisions of this act shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the authority for the bonds being sold, computed to their respective maturities; provided however, that if no bid acceptable to the authority is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the county, each of which notices must be published one time not less than ten days prior to the date fixed for the sale. The terms and conditions under which any such sale shall be held shall be fixed by the board, provided that such terms and conditions shall not conflict with any of the requirements of this act.

Section 14. Refunding Revenue Bonds. The authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its interest bearing refunding revenue bonds for the purpose of refunding the principal of and the interest on any of its bonds, whether such principal or interest is due at the time of such refunding or at a later date. The authority shall also have the power to issue its interest bearing refunding revenue bonds for the combined purpose of

refunding the principal of or the interest on any of its bonds and of paying all or any part of the costs of constructing any additional bridge project or projects and any improvements, extensions or enlargements to any then existing bridge project. All the provisions of this act pertaining to bonds of the authority, including, without limiting the generality of the foregoing, those relating to the authorization and issuance thereof, the maturities, interest rates, redemption privileges, manner of sale and other details thereof, the rights and remedies of the holders thereof and the rights and duties and obligations of the authority in respect of the same, shall, to the extent applicable, also apply to any refunding bonds issued by the authority.

Section 15. Disposition of Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same were authorized, including the payment of any engineering, fiscal, legal or other expenses incident to the sale and issuance thereof, and in the case of bonds issued in whole or in part for the construction of a new bridge project or for the construction of extensions and improvements to an existing bridge project, the payment of interest on such bonds (or if a part only of such bonds are issued for the purpose of such construction, on the part thereof issued for that purpose) prior to and during such construction and for not exceeding 24 months after the completion of such construction, and in the case of bonds issued in whole or in part for the purpose of refunding the principal of or the interest on any of its bonds, any premium that it may be necessary to pay in order to redeem or retire the bonds or coupons to be refunded, any interest then accrued on such bonds or coupons, and any interest to accrue on such bonds to the date of redemption or maturity thereof.

Section 16. Security for Bonds. (a) In the discretion of the issuing authority any bonds may be issued under and secured by an indenture between the authority and a corporate trustee, which may be any trust company or bank having trust powers, whether such bank or trust company is located within or without the state. In any such indenture or resolution providing for the issuance of bonds, the authority may pledge, for payment of the principal of and the interest on such bonds, any of its tolls and other revenues to which its right then exists or may thereafter come into existence and the proceeds derived from the sale of such bonds and may assign, as security for such payment, any of its franchises and permits; provided however, that such indenture or resolution shall not convey or mortgage (except to the extent provided in subsection (b) of this section) any bridge project or part thereof. In any indenture or resolution authorizing the issuance of bonds and

pledging for the benefit thereof tolls and other revenues from one or more of its bridge projects, the authority shall agree, and shall have the power to fix, charge and collect tolls for the use of such bridge project or projects in amounts sufficient to provide for (a) the payment of the costs of operating and maintaining such bridge project or projects, (b) the payment of the principal of and the interest on such bonds, as said principal and interest shall respectively mature, and (c) the creation and maintenance of such reserves for debt service and improvement of such bridge project or projects as may be required in such indenture or resolution. Such indenture or resolution may also contain such other provisions for protecting and enforcing the rights and remedies of the holders of the bonds as the board may deem reasonable and proper and as may not be in violation of law, including, without limiting the generality of the foregoing, covenants or agreements setting forth the duties of the authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation, administration and insurance of the bridge project or projects the revenues from which are pledged therein, the payment, security or redemption of bonds, the custody, safeguarding, disposition, segregation and application of tolls and other revenues, and the employment of consulting engineers in connection with the construction or operation of such bridge project or projects. Any such indenture or resolution may set forth the rights and remedies of holders of bonds and of any trustee under any such indenture and may restrict the individual rights of action by holders of bonds. Any such indenture or resolution may contain such other provisions as are not inconsistent with the provisions of this act that the board may deem reasonable and proper for the security of the holders of the bonds, including, without limiting the generality of the foregoing, provision for the appointment of a receiver in the event of a default by the authority under such indenture or resolution and for the transfer of possession and control to such receiver of the bridge project or projects, the tolls and other revenues from which are pledged in such indenture or resolution.

(b) Any pledge of tolls or other revenues from a particular bridge project or projects made by the authority for the benefit of bonds shall be valid and binding from the time such pledge is made and shall result in a statutory mortgage lien being affixed to the physical properties comprising such bridge project or projects. The tolls and other revenues so pledged and thereafter received by the authority (except that part thereof necessary to pay the expenses of operating and administering such bridge project or projects and maintaining it or them in good repair and operating condition), as well as the physical properties comprising such bridge project or projects, shall

immediately be subject to the lien of such pledge without any further physical delivery thereof or further act. The lien of any such pledge on such tolls, revenues and physical properties shall be valid and binding as against all parties having claims of any kind against the authority, irrespective of whether such parties have notice thereof, from and after the time a statement of such pledge is filed for record in the office of the judge of probate of the county in which any such project is located. Such statement shall be sufficient if it states the date of the indenture or resolution under which such bonds were issued and such pledge made, the date of the bonds, the aggregate principal amount thereof, the maturity dates thereof and the general location of the bridge project or projects the revenues from which are pledged in such indenture or resolution. The judge of probate of the county shall file and index such statement in the record of mortgages in his office. Neither any indenture nor any resolution containing such a pledge need be filed or recorded, except in the records of the authority. If, however, any such indenture or resolution shall be offered for record, it shall be filed and recorded without payment of the mortgage tax required by Article 2 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended. The authority may in its discretion enter into any supplemental indenture, which shall be governed, so far as may be, by the provisions of this act that are applicable to the indenture.

Section 17. Remedies of Holders of Bonds. In addition to any other remedies provided by law, in this act or in the indenture or resolution under which a bond or coupon was issued, any holder of any bond or any coupon appertaining thereto and the trustee under any indenture may, except to the extent that the rights herein given may be restricted by such indenture or by the resolution under which such bond or coupon was issued, by civil action or proceeding protect and enforce any and all rights under the laws of the state or granted hereunder or under such indenture or resolution, and may enforce and compel the performance of all duties required by law or this act or by such indenture or resolution to be performed by the authority or by any officer thereof, including, without limiting the generality of the foregoing, the fixing, charging, revising and collecting of tolls and other charges for the use of, and the collection and proper segregation of the tolls and other revenues from, any bridge project, the tolls and other revenues from which are pledged for payment of such bond or coupon.

Section 18. Eligibility of Bonds as Investment for Trust Funds. Bonds issued under the provisions of this act are hereby made securities in which the state and all political subdivisions of the state, their officers, boards, commissioners, departments

or other agencies, and all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies and insurance associations and other persons carrying on insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever who now are or may hereafter be authorized to invest in securities issued by the state, may properly and legally invest any funds, including capital, belong to them or within their control.

Section 19. Tax Exemption. The authority shall not be required to pay any taxes or assessments upon any bridge project or any property acquired or used by it under the provisions of this act or upon the income therefrom; and all bridge projects, all property acquired or used by an authority under the provisions of this act and the income therefrom and all bonds issued under the provisions of this act, their transfer and the income therefrom shall be exempt from all taxation in the state.

Section 20. Freeing Bridge Project from Tolls. (a) Whenever the principal of and the interest on all bonds of the authority payable, in whole or in part, out of the revenues derived from the operation of a particular bridge project shall have been paid in full, or whenever moneys sufficient for the payment or redemption of the principal of and the interest on all such bonds shall have been set aside in trust for the benefit of the holders thereof, the authority shall promptly notify the highway department of such fact and of its intention and obligation to transfer and convey such bridge project to the highway department. Unless, within thirty days from the receipt of such notice, the highway department notifies the authority that it is unwilling to accept the transfer and conveyance of such bridge project to it, the authority shall at the end of such thirty-day period transfer and convey such bridge project to the highway department, which bridge project shall then become a part of the state highway system and shall thereafter be maintained by the highway department free of tolls. If, however, the highway department, within said thirty-day period, notifies the authority that it is unwilling to accept such transfer and conveyance of such bridge project, the authority shall continue to operate and maintain such bridge project, but shall thereafter have the power to charge tolls for the use thereof sufficient only to provide for payment of the costs of administration, operation, maintenance and repair of such bridge project, and for the creation of reasonable reserves for capital improvements thereto and for the operating expenses thereof; provided however that should the authority thereafter issue any bonds payable, in whole or in part, from the tolls and other revenues

derived from such bridge project, the aforesaid limitation on its power to charge tolls for the use of such bridge project shall not apply as long as any part of the principal of or the interest on any such bonds remains unpaid.

(b) At such time as all bridge projects acquired and constructed by the authority have been transferred and conveyed to the highway department pursuant to the provisions of the preceding subsection (a) of this section, the authority shall thereupon stand dissolved.

Section 21. Prohibition Against Free Use of Bridge Project. Exceptions. Except as provided in subsection (d) of Section 12 of this act, the authority shall permit no free use of any bridge project with respect to which there is an outstanding pledge of revenues for payment of bonds.

Section 22. Transfer of Real Property to the Authority by Public Bodies. Notwithstanding any contrary provisions of law, the state, the highway department, the county, any incorporated municipality in the county, and any other agency or political subdivision of the state are hereby authorized and empowered to lease, lend, grant or convey to the authority, upon such terms and conditions and for such duration as the proper authorities of the state, the highway department, the county, such municipality or such other agency or political subdivision of the state, respectively, may deem reasonable and fair, and without the necessity for any advertisement or order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property that may be necessary or convenient to the effectuation of the corporate purposes of the authority.

Section 23. Counties, Incorporated Municipalities and the Highway Department Authorized to Expend Funds for Studies. The highway department is, upon request of the authority authorized to expend, out of any funds respectively available such moneys as may be necessary for the study of any bridge project proposed to be acquired and constructed by the authority under the provisions of this act, and to use their respective engineering and other forces, and to employ consulting engineers and traffic engineers, for the purpose of effecting such study. Before making any such expenditures of money or services, the highway department shall obtain the approval of the governor. All expenses incurred by the highway department for any of said purposes prior to the issuance of bonds by the authority with respect to the bridge project being studied shall be paid by the highway department and charged to said bridge project, and the highway department shall maintain proper records and accounts with respect to such expenditures. Such amounts so

expended by the highway department shall be deemed to be a part of the cost of the bridge project with respect to the study of which they were expended, and the authority shall, upon the sale of bonds by it with respect to said bridge project and out of the proceeds derived therefrom, reimburse the highway department for such amounts respectively expended by them. Thereafter all expenses incurred in carrying out the provisions of this act shall be payable solely from the funds provided for herein. Nothing in this act shall be construed to permit or empower the authority to incur any indebtedness or liability on behalf of or payable by the state, the county, any incorporated municipality, the highway department or any political subdivision of the state other than the authority.

Section 24. Governmental Function of Bridge Project. The exercise of the powers granted in this act, which have been granted to facilitate vehicular traffic and to promote traffic safety, are hereby declared to constitute the performance of an essential governmental function.

Section 25. Severability. The provisions of this act shall be severable. Should any section or provision hereof be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining sections or provisions hereof.

Section 26. Repeal of Inconsistent Law. All other laws, or parts of laws, inconsistent herewith are hereby declared to be superseded by the provisions of this act.

Section 27. Effective Date. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:03 P.M.

Act No. 735

H. 35—Graham

AN ACT

Relating to counties having populations of not less than 46,500 nor more than 48,000; to authorize certain cities within such counties to consolidate; to prescribe the method of consolidation; to provide that the city created from such consolidation shall succeed to the powers, obligations, duties and rights of cities consolidated therein; to provide for a referendum election to determine if this act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties in this state having populations of not less than 46,500

nor more than 48,000 according to the most recent federal decennial census.

Section 2. Any three contiguous cities lying wholly within any such county shall consolidate so as to include within the corporate limits of one city all that territory within the corporate limits of the three cities so consolidated if at an election held as herein provided the majority of voters within each of such cities separately favors such consolidation. Such newly created city shall succeed to all the powers, obligations, duties, rights of action, property, and rights of property that belonged to or appertained to the three cities consolidated therein and shall have all the rights, powers, and privileges delegated to cities under the general law. All suits pending in favor or against each of these cities when this act becomes effective shall continue to judgment unaffected by the abolition of such city and may be enforced in favor of or against the city created from the consolidation or merger of such cities, the same as if commenced by or against the consolidated city. The newly created city shall collect all taxes or other obligations due the cities consolidated therein and disburse the same.

It is further hereby provided that in the event any one of the three cities as herein described shall fail to approve this act by a majority vote as herein provided but a majority of the whole number of votes cast in the election from all three cities should favor the adoption of this plan of merger and consolidation, as herein provided, then in that event the cities would not be consolidated or merged as herein provided but a study and advisory commission designated as the Tri-Cities Commission on Consolidation would be established and formed as herein provided. Said commission would be made up of six members consisting of the legislative delegation representing such county in the state legislature and three other members to be agreed upon and appointed to the commission by said delegation. The purpose and authority of said commission would be to make a continuing, thorough study of the issue of consolidation of said cities as herein provided and the reporting of said findings and recommendations of the commission to the legislative delegation for whatever action said delegation should see fit to take regarding said issue of merger and consolidation.

Section 3. (a) An election to determine whether such cities shall be consolidated shall be held sixty days after the passage and approval of this act or it otherwise becomes law. The judge of probate shall order and provide for holding such election.

(b) The judge of probate of any such county shall give notice of the holding of such election by publication in a newspaper in each of the cities coming under this act and if no

newspaper is published in any such city, in a newspaper having general circulation therein, which notice shall be published once a week for three successive weeks before the day of the election. Said notice shall state the day on which such election is to be held, the voting places designated, the boundaries within which voters must reside to vote at the respective voting places which must be within the corporate limits of the cities coming under this act and such notice must give a description of the territory to be consolidated or merged into one city.

(c) The judge of probate shall designate as many places within such cities as he shall deem necessary and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint such inspectors, clerks, and returning officers as he deems necessary for each voting place.

(d) Each qualified elector who has resided within the municipal boundaries of any one of such cities for three months next preceding the election may vote at such election; but must vote at the voting place designated by the judge of probate for voters in the territory in which he resides.

(e) The election provided for herein must be conducted in all respects as provided by the general election laws, and under the same sanctions and penalties except as changed by the provisions hereof.

(f) The judge of probate of any such county shall cause to be prepared necessary election supplies, including ballots, and the costs of these supplies shall be paid for by the three cities involved. The question to be printed on the ballot shall be substantially as follows: "Shall the cities of _____, _____ and _____ be consolidated into one municipality? Yes _____ No _____."

(g) The inspectors of the several voting places must, as soon as the polls are closed, ascertain and certify the results of the election to the judge of probate, and the judge of probate shall canvass the returns made. If the majority of the votes cast within each city separately are "Yes," this act shall become operative and such cities shall consolidate as herein provided. If the majority of the votes cast are "No," within any such city this act shall become inoperative. The judge of probate shall certify the results of the election to the secretary of state within 30 days of the determination thereof.

(h) The judge of probate of such county shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar

services rendered by him in county elections, and all other officers shall be entitled to like compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them in regular county elections, all of which shall be paid by the three cities on a pro rata basis; each city paying such proportionate part of the expenses as its population bears to the combined population of the three cities. The judge of probate shall bill each city for its pro rata share and it shall be the duty of the cities to pay the county within thirty days the amount so assessed against them.

Section 4. If the majority of votes cast in each city at the election provided for in Section 3 hereof are "Yes," the officers of the cities to be consolidated shall continue in office and the corporate organization of such cities shall continue unaffected until the officers of the city created by such consolidation are elected and qualified as herein provided. The judge of probate of the counties in which such cities are located shall order an election to be held in the manner hereinafter prescribed. Such election shall be held thirty days after such cities have voted approval of consolidation. At such election three qualified persons shall be elected to hold office as commissioners of the city created by consolidation. The positions to be held by such commissioners shall be numbered one, two, and three. The candidates for position numbered one must be residents of the merging city having the largest population according to the most recent federal decennial census; the candidates for position numbered two shall be residents of the merging city having second largest population according to such census; and the candidates for position numbered three shall reside in the merging city which has the smallest population according to such census. The names of such candidates shall be placed upon the ballot in three designated groups under the headings of the positions numbered one, two and three respectively. All qualified voters of the three cities shall be entitled to vote for one candidate for each position. Whenever a candidate for any numbered position receives a majority of all votes cast for all candidates seeking election to that position then he shall be declared elected as commissioner to the position thus numbered. If no candidate receives a majority a second election shall be held not less than ten nor more than fifteen days from the date of the first election. The two candidates receiving the highest number of votes in the first election shall be candidates for such office in the second election. The candidate who receives the highest number of votes in the second election shall be declared elected commissioner to such position.

Section 5. The judge of probate shall order the election provided for in Section 4 hereof and canvass the returns thereof in

the manner prescribed in Section 2 of this act, and the cost of the election provided for in Section 4 hereof shall be borne by the cities to be consolidated. Each such city shall pay its pro rata share provided in Section 3 (h) hereof.

Section 6. The commissioners elected hereunder shall qualify for office in the manner prescribed by Code of Alabama 1940, Title 37, Sections 102 and 103 within three days following their election, and shall serve until their successors are elected and qualified. They shall immediately assume those duties, powers and responsibilities prescribed by law for commissioners and in addition to such duties and powers shall have the power and duty to select by majority vote the name of the consolidated city and the site of the government of such city. They shall also by majority vote elect one of their number as president of the board of commissioners of such city; and such president and commissioners shall be invested with all the powers, jurisdiction and functions as mayor and commissioners of such city and shall be required to perform all duties now required of mayors and commissioners of cities under Code of Alabama 1940, Title 37, Sections 89 through 119.

Successors to the commissioners elected hereunder shall be elected at the time and in the manner prescribed by general law for the election of city commissioners under Code of Alabama 1940, Title 37, Section 93.

Section 7. When the first commissioners are elected, and qualified, and assume the duties as provided for in Section 6 hereof, the three separate cities which have been consolidated shall be dissolved. Provided, however, that any ordinance, resolution or law in effect or in force within any of the three cities at the time of consolidation shall remain in effect or in force as to that area formerly within the corporate area of the abolished city until such ordinance or resolution is otherwise changed or modified by ordinance or resolution enacted by the commissioners, unless such ordinance, resolution or law is specifically repealed, altered or modified by the provisions of this act, or repealed, modified or altered by implication by the enactment of this act.

The purpose of this act is to consolidate three contiguous cities lying wholly within the counties to which this act applies as orderly and expeditiously as possible and to merge duplicate departments and authorities within such cities. The commissioners elected hereunder are hereby authorized, and directed to take necessary action to accomplish such purpose.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:04 P.M.

Act No. 736

H. 57—Wright, Sessions, Money, Starnes,
McLain, Brannan, Owen
(Baldwin), Malone, Jones

AN ACT

To provide for the depositing of a valid Driver License in lieu of bail for violation of certain traffic laws of incorporated municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Whenever any person lawfully possessed of a chauffeur's or driver's license theretofore issued to him by the Department of Public Safety of the State of Alabama, or under the laws of any other state or territory, or the District of Columbia of the United States, shall be arrested and charged with any violation of any traffic ordinance of any incorporated municipality, for which under the provisions of such ordinance the arresting officer is directed to take a written bond, he shall have the option of depositing his chauffeur's or driver's license so issued to him with the arresting officer or the Recorder of the municipality, in lieu of any other security which may be required for his appearance in the Recorder's Court in answer to such charge lodged in such court.

(b) If such person arrested elects to deposit his license, as herein provided, the arresting officer or Recorder shall issue such person a receipt for said license upon a form furnished or prescribed by the municipality, and thereafter said person shall be permitted to operate a motor vehicle upon the highways of this state during the pendency of the case in which the license was deposited, unless his license or privilege is otherwise revoked, suspended or cancelled.

(c) The Clerk or Recorder of the court, in which the charge is lodged, shall immediately forward to the Department of Public Safety of the State of Alabama, the license of the driver which was deposited in lieu of bail if the driver fails to appear in answer to the charge against him. The Director of Public Safety shall, upon receipt of a license so forwarded by the Clerk or Recorder, suspend the driver license and driving privilege of

the defaulting driver until notified by the court that the charge against such driver has been finally adjudicated.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part or parts which remain.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:05 P.M.

Act No. 737

H. 71—Tuck, Brannan, McLain, Wright,
Holladay, Williams, Manley

AN ACT

To confer on each municipality in the state the power to acquire and develop industrial parks and to expend moneys for such purpose, and the power to sell property forming a part of an industrial park for not less than the reasonable market value of the property so sold as established by independent appraisals.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, wherever used in this act, shall have the respective meanings hereinafter ascribed to them:

“*Municipality*” means an incorporated city or town in the State of Alabama.

“*Industrial Park*” means land (i) determined by the governing body of a municipality to be suitable for use by two or more industrial enterprises for industrial purposes, and (ii) acquired or proposed to be acquired by a municipality and held by it for the purpose of selling it to one or more persons for use for industrial purposes.

“*Person*” means any individual, firm, partnership, or corporation, including both public and private corporations, and any other entity, either public or private, that has the power to acquire title to land.

Section 2. Acquisition and Development of Industrial Parks. Each municipality shall have the power to acquire and develop one or more parcels of land as the site or sites for an industrial park or industrial parks; and shall have the power to expend money for such acquisition and development. The

development of land as the site for an industrial park shall be deemed to include the provision of water, sewage, drainage, transportation, power, and communication facilities, and other similar facilities, which are incidental to use of the land as an industrial park, but shall not be deemed to include the provision of structures or buildings other than structures or buildings related to water, sewage, drainage, transportation, power, communication or similar facilities.

Section 3. Sale of Industrial Parks and Portions Thereof. Each municipality shall have the power to sell to any person all or any part of any land held by it as the site of an industrial park; provided, however, that no such sale may be made for less than the total amounts expended by the municipality with respect to the property so sold or for less than the reasonable market value of the property so sold, as such value shall be established by appraisals of at least two independent appraisers. Prior to making any sale of any property comprising all or part of an industrial park, the municipality making such sale shall cause appraisals of the market value of the property to be so sold to be made by a least two independent appraisers, and shall cause a copy of each such appraisal to be filed in the permanent records of the municipality. Each such appraisal shall be dated not earlier than sixty days prior to the consummation of any such sale. In any case where each appraisal obtained pursuant to the provisions of this section sets forth a different value, the average of the market value stated in the separate appraisals shall be deemed to constitute the reasonable market value of property for the purposes of this section.

Section 4. Severability. The provisions of this act are hereby declared severable. If any part of this act should be held invalid, such holding shall not affect the part which remains.

Section 5. Effective Date. This act shall become effective upon its being signed by the Governor or otherwise becoming law.

Approved September 12, 1969.

Time: 4:06 P.M.

Act No. 738

H. 81—Yeilding, Gloor, House, Cherner, Cook (Jeff), Gafford, Manley, Pennington, McCorquodale, Turnham, Dill, Ellis, Shumate, Garrett, Williams, Bowers, Crane, Adwell, Tuck, Mays, Hardin, Harper, Stembridge, Neville, Crawford, Springer, Collier, Young, Stubbs, Berryman (W), Graham, Hill,

Perloff, Downing, Collins (C), Lemley,
 Collins (M), Burgreen, McDonald,
 Holladay, Meade, Malone, Wright,
 Hain, Bolton, Snell, Drake, Beck,
 McLain, Starnes, Burgess, Hobbie,
 Cameron, Harris, Melton, Brannan,
 Jackson (F), Owen (Baldwin),
 Nettles, Agee, Fine, Robertson,
 Brown, Culver, Weeks, Holman,
 Foshee

AN ACT

To authorize and permit teachers, who have retired under the Teachers' Retirement Act, to perform duties as substitute teachers in the public, elementary and high schools, when they are physically and mentally able to do so in the opinion of the employing authority, to prescribe the limitations therefor, and to repeal Act #1038 of the 1961 Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared to be lawful and permissible for any teacher, who has retired under the Teachers' Retirement Act of Alabama, to perform duties as a substitute teacher in the public, elementary and high schools, provided that such retired teacher is physically and mentally able to do so, in the opinion of the employing authority, and earn not more than Sixteen Hundred and Eighty dollars per year or as much as the base allowed under the Federal Social Security law as set from year to year, without affecting his or her status under the Teachers' Retirement Act.

Section 2. Such retired teacher shall continue to receive all retirement benefits that such retired teacher would receive if he or she were not serving as a substitute teacher in the public elementary and high schools.

Section 3. Act #1038 of the 1961 Legislature and all laws and parts of laws in conflict with this Act, in so far as the same conflicts with this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:07 P.M.

To amend Code of Alabama 1940, Title 35, Section 102, which provides exemptions from state toll bridge and tunnel fees, and automobile fees to certain members of the state militia, so as to extend the exemption relative to automobile fees to non-commissioned officers and enlisted men in the active national guard of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 35, Section 101, is hereby amended to read as follows:

"Section 101. Under such rules and regulations as may be drafted by the military advisory board of the state, and approved by the governor, individual officers, warrant officers, and enlisted men of the national guard and the naval militia of this state, and individual officers, warrant officers, and enlisted men of the United States army or navy on duty with the national guard or naval militia of this state and detachments and units of such of the land and naval forces of this state or the United States as may be specifically mentioned in such regulations or in special orders issued by the governor, may be exempted from the payments of toll bridge and tunnel fees within the state. There shall be exempt from the operation of the privilege or license tax and registration fee now or hereafter to be levied on automobiles and motor vehicles by the State of Alabama, passenger vehicles owned and operated by the Federal Government, or any passenger vehicle owned and operated by officers and enlisted men actually serving in the United States Army who are assigned by the Department of Defense as instructors or sergeant-instructors with the National Guard of Alabama or by all officers, warrant officers, and enlisted men who are serving on active duty in the armed forces of the United States who are residents of Alabama at the time the exemption is claimed and who entered active service from Alabama and were residents of Alabama at the time of entering service or by all commissioned officers, noncommissioned officers, and enlisted men of the active National Guard of Alabama and active members of the United States Armed Forces Reserve Organizations. Provided that each individual who is entitled to the exemption from the operation of the motor vehicle or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama shall be entitled to such exemption for only one passenger vehicle; it being the intention of this legislature to limit such exemption to one per individual serviceman. Such vehicles shall be properly identified with tags or plates issued by the proper department of the federal government or by the commanding officers of the army or national guard having jurisdiction in the premises; and upon presentation of such proper identification to the county officials of the county in which said vehicle is ordinarily kept or stored said official of the state of Alabama shall issue a license tag to be attached to said vehicle, without,

however, charging the usual fees for registration or licensing of said vehicles."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:08 P.M.

Act No. 740

H. 189—Lybrand, McLain, Smith, Bank,
Watkins, Steagall, Turnham,
Merrill

AN ACT

To abolish the Office of Securities Commissioner of Alabama and create in lieu thereof the Alabama Securities Commission; to provide for the appointment, powers, duties, authority, term of office and compensation of members of the Alabama Securities Commission; to provide for the appointment of a Director of the Securities Commission and to prescribe his qualifications, powers, duties, authority and compensation; to authorize and provide for the employment of a Deputy Director and other necessary personnel; and to transfer the authority, powers, duties, rights, privileges and immunities heretofore vested in the Securities Commissioner, along with the records, files, furniture, personnel and equipment appertaining to such office and any unexpended funds appropriated for the salary of such Commissioner and his assistants and the expenses of administering the Alabama Securities law to the Alabama Securities Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Securities Commission. There is hereby created the Alabama Securities Commission. The Commission shall be responsible for the enforcement of laws governing the issuance, sale and other transactions relative to securities.

Section 2. Members, Appointment, Liability. (a) The Commission shall consist of the Attorney General of Alabama, the State Superintendent of Banks, the State Superintendent of Insurance, and two members appointed by the Governor by and with the advice and consent of the Senate. One appointed member shall be a member of the Alabama Bar Association appointed from a list of three nominees submitted by the Bar Association; and one member shall be certified public accountant appointed from a list of three nominees submitted by the Alabama Society of Certified Public Accountants.

(b) No person may be appointed to or by the Commission while he is registered as a dealer or salesman under the Securities Act of 1959, or while he is an officer, director, or partner of any person so registered, or while he is an officer, director, or

partner of an issuer which has a registration statement effective under the Securities Act of 1959, or while he is occupying a similar status or performing similar functions.

(c) It is unlawful for any member of the Commission, the Director or any other officer or employee of the Commission to use for personal benefit any information which is filed with or obtained by the Director and which is not made public. No provision of this Act authorizes any member of the Commission, the Director or any other officer or employee of the Commission to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this Act. No provision of this Act either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to any member of the Commission, the Director or any other officer or employee of the Commission.

(d) Except upon proof of corruption, no Commissioner shall for his acts or his failure to act be civilly liable to any investor, applicant for registration, or any other person.

Section 3. Terms of Office—Vacancies. The Governor shall biennially appoint one Commission member to serve for a term of four years; provided, however, that the Governor shall for the initial appointments designate one member to serve for a term of two years; and one member to serve for a term of four years from their respective dates of appointment and qualification. Upon the expiration of these initial terms, the term of each member shall be four years from the date of his appointment and qualification, and until his successor shall qualify. Vacancies shall be filled by the Governor for the unexpired term. Members shall be eligible for reappointment.

Section 4. Chairman—Quorum—Meetings—Reports. The Commission shall select a chairman and is hereby authorized to adopt rules for conducting its proceedings. Any three members shall constitute a quorum for transacting commission business. The Commission shall meet monthly on such date as it may designate and may meet at such other times as it may deem necessary, or when called by the chairman or by any two members. Complete minutes of each meeting shall be kept and filed in the Office of the Commission and shall be available for public inspection during reasonable office hours. The Commission shall report annually to the Governor, to the Legislature and to the State Legislative Council. The report shall contain the minutes of each meeting held during the year, legislative recommendations, a summary of violations of this Act and action taken thereof, and such other data and information as may be deemed necessary or appropriate. Each member of the Com-

mission shall have unrestricted access to all offices and records under the jurisdiction of the Commission. The Commission, or a majority thereof, may exercise any power or perform any act which the Director is authorized to perform under the provisions of this Act.

Section 5. Mileage and Per Diem. Each appointed member of the Commission shall be paid fifty dollars (\$50.00) per day, for a period not to exceed a total of sixty days in any one calendar year, while engaged in the performance of his duties, and shall receive mileage and per diem as provided by Code of Alabama 1940, Title 41, Chapter 4, Article 4, as amended and supplemented. Ex officio members shall not be entitled to any extra compensation for performing their duties under this Act.

Section 6. Appointment of Securities Director. The Commission shall appoint a full-time Director who shall be a career employee subject to the provisions of the Alabama Merit System law and whose employment may be terminated only for cause; provided however, that the first Director shall be designated in the manner prescribed by Section 12 of this Act. The Director shall administer the Alabama Securities Act under the supervision of the Commission and in accordance with its policies.

Section 7. Qualifications—Salary of Director. The Director shall be a person of good moral character, at least thirty years of age, a resident of Alabama, a member of the Alabama Bar and shall be thoroughly familiar with corporate organization, investment banking, investment trusts, the sale of securities and the statistical details of the manufacturing industries and commerce of this State. The Commission may also require additional qualifications. The Director, while serving as such, shall not directly or indirectly be financially interested in or associated with any commercial bank, savings bank, trust company, industrial loan or investment company, credit union, building and loan association, or any other person subject to the jurisdiction of the Commission or the Director thereof. The salary of the Director shall be equal to the maximum salary payable to attorneys in the Merit System classification of Attorney III.

Section 8. Deputy Director. The Director, with the approval of the Commission and subject to the provisions of the Merit System law may designate a Deputy Director who shall possess qualifications fixed by the Commission with the approval of the Personnel Department and who shall perform such duties as the Director shall designate, and in the absence of the Director or his inability to act, the Deputy Director shall perform such duties as are required to be performed by the Director. The compensation of the Deputy Director shall be fixed by the Com-

mission subject to the approval of the Personnel Department in the salary range payable to attorneys in the Merit System classification of Attorney II.

Section 9. Bonds. Before assuming office, the Director shall give a bond in the sum of fifty thousand (\$50,000) payable to the State of Alabama, to be approved by the Attorney General of Alabama, and filed in the office of the Secretary of State. Such bond shall be conditioned that he will faithfully execute the duties of his office. The Director may by rule or order require any employee of the Commission to be bonded on the same condition and in the same or such lesser amount as he determines. The expense of all such bonds shall be paid from funds available to the Commission.

Section 10. Personnel. Subject to the provisions of Section 12 of this Act, the Director shall prepare in writing a manual of necessary employee positions for the Commission, including job classifications, personnel qualifications, duties, maximum and minimum salary schedules, and other personnel information for approval by the Commission. The Director may, subject to the provisions of the Merit System law and Section 12 of this Act, select, appoint, and employ such accountants, auditors, financial analysts, examiners, clerks, stenographers and other personnel as he deems necessary for the proper administration of the Alabama Securities law.

Section 11. Place of Office. The Commission and the Director shall maintain offices in the Capital City of the State, and all records of the Commission shall be kept at these offices.

Section 12. Abolition of Office of Securities Commissioner—Transfers of Powers, Duties, Functions and Personnel. The Office of State Securities Commissioner and Assistant Securities Commissioner existing pursuant to Act No. 542 of 1959, are hereby abolished; provided, however, that the present Assistant Securities Commissioner shall be the first Director of the Alabama Securities Commission. All the authority, powers, duties, rights, privileges and immunities now vested in the Securities Commissioner are hereby transferred to and vested in the Alabama Securities Commission. All the authority, powers, duties, rights, privileges and immunities now vested in the Assistant Securities Commissioner are hereby transferred to and vested in the Director of the Securities Commission. Whenever in the laws of the State of Alabama the term "Securities Commissioner" is used the same shall mean the Alabama Securities Commission. All of the records, files, furniture, equipment, other property and classified personnel of the Office of the Securities Commissioner, together with the unexpended por-

tion of the funds appropriated for salaries and expenses therefor, as of the effective date hereof, are hereby transferred to the Securities Commission created by this Act.

Section 13. The Provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective on October 1, 1969; however, the members of the Alabama Securities Commission shall be appointed and shall qualify as soon after this Act becomes law as feasible, and shall take such steps as are needed to provide for the organization of the Alabama Securities Commission.

Approved September 12, 1969.

Time: 4:09 P.M.

Act No. 741

H. 236—Graham, Berryman

AN ACT

To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an act providing for appointment and designation of supernumerary circuit judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 288, approved July 7, 1945, an act providing for appointment and designation of supernumerary circuit judges (General Acts 1945, p. 478), as amended, is amended further to read as follows:

“Section 1. Any circuit judge, or former circuit judge of this state:

“(a) who has served continuously for fifteen years as circuit judge and/or district attorney, and/or circuit solicitor and/or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served); and who has become physically unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

“(b) who has served continuously for twenty years as circuit judge and/or district attorney and/or circuit solicitor and/or solicitor of a county law and equity court (provided that not more than fifteen years service as solicitor of a county law

and equity court shall be included in the total number of years served); and who has become physically unable to carry out his duties on a full time basis, and who is not less than seventy years of age, proof of such disability being made by certificate of three reputable physicians; or

“(c) who has served continuously for fifteen years as circuit judge and/or district attorney, and/or circuit solicitor, and/or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served); and who is not less than sixty-two years of age; or, who has served as such continuously for more than fifteen years and has attained age 62 less one year for each year of service in excess of 15; or

“(d) who has served continuously for ten years as circuit judge and/or district attorney, and/or circuit solicitor and/or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served; and who is not less than seventy years of age; or

“(e) who has served in that office and/or as circuit solicitor, and/or as district attorney and/or as judge of a court of record (provided that not more than three years service as a judge of a court of record shall be included in the total number of years served; for not less than 24 years, or for not less than four terms, the last 10 years of such service having been continuous, may elect to become a supernumerary circuit judge of the State by filing a written declaration to that effect with the Governor at any time not more than 90 days prior to the end of the 24 year period; or

“(f) who has served continuously for not less than fifteen years as circuit judge and/or as judge of a court of record and who is not less than seventy years of age; or

“(g) who has served continuously for not less than twenty years as a circuit judge; may elect to become a supernumerary circuit judge of the State by filing a written declaration to that effect with the Governor. If the Governor shall find that any such declarant qualified under either subdivision (a), (b), (c), (d), (e), (f) or (g), hereinabove set forth, a commission as supernumerary circuit judge of the State of Alabama shall thereupon be issued to such declarant by the Governor. The office of circuit judge made vacant by the election of such declarant shall be filled by appointment of the Governor as now provided by law. This section shall apply only to circuit judges who have been elected to that office.”

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:10 P.M.

Act No. 742

H. 260—Jackson (T), Crane, Dill

AN ACT

TO AMEND SECTION 666 OF TITLE 7 OF THE CODE OF ALABAMA, 1940, AS AMENDED, RELATING TO WAGES AND SALARY OF DECEASED EMPLOYEES.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 666, Title 7 of the Code of Alabama, 1940, as amended, be and the same hereby is amended to read as follows:

“Wages and salary of deceased employee, to the amount of one thousand dollars, paid to widow and exempted. — Whenever an employee of another shall die intestate and there shall be due him as wages or salary, a sum not exceeding one thousand dollars, the debtor may discharge himself from liability therefor by paying such amount to the widow of the deceased employee, or, if there be no widow to the person having the actual custody and control of his minor child or children, or either, as the case may be, who may sue for and recover the same as part of the one thousand dollars in personalty exempted to them.”

Section 2. This act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:11 P.M.

Act No. 743

H. 272—Dill

AN ACT

To amend Code of Alabama 1940, Title 7 A, Section 2-314, in relation to implied warranties.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 7 A, Section 2-314 is hereby amended so as to read as follows:

§ 2-314. Implied warranty: Merchantability; usage of trade.

(1) Unless excluded or modified (Section 2-316), a warranty that the goods shall be merchantable is implied in a contract for their sale if the seller is a merchant with respect to goods of that kind. Under this section the serving for value of food or drink to be consumed either on the premises or elsewhere is a sale.

(2) Goods to be merchantable must be at least such as

(a) pass without objection in the trade under the contract description; and

(b) in the case of fungible goods, are of fair average quality within the description; and

(c) are fit for the ordinary purposes for which such goods are used; and

(d) run, within the variations permitted by the agreement, of even kind, quality and quantity within each unit and among all units involved; and

(e) are adequately contained, packaged, and labeled as the agreement may require; and

(f) conform to the promises or affirmations of fact made on the container or label if any.

(3) Unless excluded or modified (Section 2-316) other implied warranties may arise from course of dealing or usage of trade.

(4) Procuring, furnishing, donating, processing, distributing, or using human whole blood, plasma, blood products, blood derivatives, and other human tissues such as corneas, bones or organs for the purpose of injecting, transfusing, or transplanting any of them in the human body is declared for all purposes to be the rendition of a service by every person participating therein and whether any remuneration is paid therefor is declared not to be a sale of such whole blood, plasma, blood products, blood derivatives, or other human tissues.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:12 P.M.

Act. No. 744

H. 273—Dill, Gafford, Adwell, Bowers,
Jackson (T), Weeks, Holman,
Waggoner, Kilgore, Watkins,
House, Gloor, Money, Sessions,
Cherner, Cook (Jeff), Ellis,
Crane

AN ACT

To provide for the compensation to be paid circuit judges by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. In judicial circuits composed of one county having a population of 600,000 or more according to the last or any subsequent federal decennial census, there shall be paid to each circuit judge of such circuits in addition to the compensation paid to such circuit judge by the State of Alabama, the sum of Seven Thousand Dollars (\$7,000.00) per annum which shall be paid in equal monthly or semi-monthly installments out of the general treasury of the county. The county supplement hereby provided to be paid to such circuit judge shall be in lieu of all county supplements heretofore payable to such circuit judge.

Section 2. This act shall become effective at the beginning of the next term of office of such circuit judges.

Time: 4:13 P.M.

Approved September 12, 1969.

Act No. 745

H. 274—Dill, Crane, Sessions, Yeilding,
Cherner, Gafford, Ellis,
Jackson (T), Waggoner,
Holman, Weeks, Kilgore, Cook
(Jefferson), Brown, Robertson,
Culver, Cook (Coffee),
McCorquodale, Stembridge,
Crawford, Neville, Money,
Grainger, Bank, Manley, Tuck,
Burgreen

AN ACT

To amend Section 142, Chapter 7, Title 52, Code of Alabama, 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 142, Chapter 7, Title 52, Code of Alabama, 1940, be and it is hereby amended to read as follows:

No fees of any kind shall be collected from children attending any of the first six grades during the school term supported by public taxation; provided, however, that any County or City Board of Education shall be authorized to permit any school subject to its supervision to solicit and receive from such children or their parents or guardians voluntary contributions to be used for school purposes by the school where such children are attending; provided further, that the provisions of this Act shall in no way affect or restrict the right or power of a school board to fix and collect tuition fees or charges from pupils attending schools under the jurisdiction of such board but who live outside the territory over which such board has jurisdiction.

Section 2. This bill shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:14 P.M.

Act No. 746

H. 283—Fite, Snell, House, Manley,
Cook (Coffee), Berryman
(W), Pennington

AN ACT

To raise revenue by levying a privilege or excise tax, in addition to all taxes and licenses now imposed by law, on every person licensed under the provisions of Title 29 of the Code of Alabama (1940), as amended, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The words and phrases "person," "malt or brewed beverages," "sale" and "sell," wherever used in this act, shall have the meanings respectively ascribed to them in Section 1 of Title 29 of the Code of Alabama of 1940.

Section 2. Levy of Tax. In addition to all other taxes now imposed by law, and in addition to the licenses provided for by Title 29, Code of Alabama of 1940, as amended, there is hereby levied a privilege or exercise tax on every person licensed under the provisions of Title 29, Code of Alabama 1940, who sells, stores or receives for the purpose of distribution to any person, firm, corporation, club, or association within the State of Alabama any malt or brewed beverages. The tax levied hereby shall be measured by and graduated in accordance with the volume of sales by such person of malt or brewed beverages,

and shall be an amount equal to one cent (.01c) for each twelve fluid ounces or fractional part thereof.

Section 3. Collection. The tax hereby levied shall be collected by the Alcoholic Beverage Control Board in the same manner as other taxes and license fees are collected by it.

The tax shall be added to the sales price of all malt or brewed beverages sold, and shall be collected from the purchasers. It shall be unlawful for any person, firm, corporation, club or association who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer, with the person, firm, corporation, club or association who pays the tax in the first instance acting merely as an agent for the state for the collection and payment of the tax.

Section 4. All revenues collected under the provisions of this act shall be paid into the State Treasury to the credit of the General Fund.

Section 5. All laws or parts of laws which conflict with the provisions of this act are hereby expressly repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:15 P.M.

Act No. 747

H. 309—Springer

AN ACT

To further amend Section 18 of Title 61 of the 1958 Recompiled Code of Alabama which relates to the right of a widow to dissent from the will of her deceased husband.

Be It Enacted by the Legislature of Alabama:

“Section 1. Section 18 of Title 61 of the 1958 Recompiled Code of Alabama is hereby amended to read as follows:

“Section 18. (10593) (6168) (4259) (1963) (2292) (1928) (1609) — The widow may in all cases, dissent from the will of her deceased husband, and in lieu of the provision made for

her by such will, take her dower in the lands and such portion of the personal estate as she would have been entitled to in case of intestacy; except that if there are no children or their descendants and the personal estate exceeds fifty thousand dollars in value at the time of the return of the appraisement, the widow upon dissenting shall take the first fifty thousand dollars of the personal estate of the deceased husband, regardless of the amount of her separate estate, and without any deduction whatsoever of her separate estate against said fifty thousand dollars whether her separate estate should be less than, equal to or more than \$50,000.00, and the remainder thereof shall be distributed as provided for in the will. If the will makes no provision for her, she may claim her dower and distributive share limited as herein provided without dissenting from the will.'

"Section 2. All laws or parts of laws which conflict with this Act are repealed.

"Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Approved September 12, 1969.

Time: 4:16 P.M.

Act No. 748

H. 320—Stubbs

AN ACT

Relating to the Eighteenth Judicial Circuit; providing for an additional Circuit Judge in such Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created an additional judgeship of and for the eighteenth Judicial Circuit of Alabama. The Judge for such additional judgeship shall be elected at the next general election for Circuit Judges in 1970 and the additional Judge shall be established on the first Monday after the second Tuesday in January 1971. Such additional judge shall be elected for the same term that other Circuit Judges are then elected. His successors shall thereafter be elected at the same time and for the same term as other circuit Judges in the State.

Section 2. The additional Judge of the eighteenth Judicial Circuit shall have and exercise all of the jurisdiction, powers,

rights and authority and shall possess all of the qualifications and may perform all of the duties that the other Circuit Judges of the State of Alabama may exercise, shall possess or may perform, and he shall be liable to all the pains and penalties of said other Circuit Judges of this State.

Section 3. The additional Judge of the eighteenth Judicial Circuit shall receive the same compensation, payable by the State of Alabama as other Circuit Judges now or hereafter receive.

Section 4. The additional Judge may appoint bailiffs and a Court Reporter in the same manner as the incumbent Circuit Judge; whose qualifications, powers, duties, and authority shall be the same as such other bailiffs and Court Reporter of the said Circuit Court and whose compensation shall be paid in the same amount and under the same terms and manner as other bailiffs and Court Reporter of the eighteenth Judicial Circuit.

Section 5. The presiding Judge of the eighteenth Judicial Circuit shall be determined in the manner prescribed in Title 13, Section 157, 1940 Code of Alabama, as recompiled in 1958. The said additional Circuit Judge and his successors in office shall be known and designated as Judge number two of said Circuit, and the incumbent Circuit Judge and his successors in office shall be known and designated as Judge number one of said Circuit. Candidates for the office of Circuit Judge in said Circuit shall designate whether they are candidates for the office of Circuit Judge number one or for the office of Circuit Judge number two.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:17 P.M.

Act No. 749

H. 336—Smith

AN ACT

Relating to the purchase of livestock; making it a misdemeanor for any person to buy or offer to buy livestock on any public street, road or highway within two thousand five hundred (2,500) feet of a public livestock market and to provide for enforcement.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to buy or offer to buy livestock on any public street, road or highway within two thousand five hundred (2,500) feet of the premises of a public livestock market which is licensed to engage in business pursuant to Act No. 173 of the Legislature of 1951, approved June 29, 1951 (Acts of Alabama 1951, Vol. 1, p. 409). Any person who violates this Act shall be guilty of a misdemeanor, and upon conviction, shall be punished as prescribed by law.

Section 2. The Department of Agriculture and Industries is charged with the enforcement of this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:18 P.M.

Act No. 750

H. 420—Holladay, Mathews, Pruitt

AN ACT

To make an appropriation to the Governor's office for the payment of legal fees in connection with legal actions filed or to be filed against the State Board of Education, local boards of education or superintendents of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations now made there is hereby appropriated \$50,000.00 for each of the fiscal years ending September 30, 1970 and September 30, 1971 from the Alabama Special Educational Trust Fund to the Governor's office.

Section 2. The appropriation hereinabove made shall be used for the payment of legal fees in connection with legal actions filed or to be filed against the State Board of Education, local boards of education, or superintendents of education.

Section 3. This act shall become effective October 1, 1969.

Approved September 12, 1969.

Time: 4:19 P.M.

Act No. 751

H. 439—McCorquodale, Foshee, Jackson (F),
Harper, Burgess

AN ACT

To transfer and reappropriate certain monies heretofore appropriated to the Farmers Market Authority for other expenses to such Authority's account for equipment purchases; and to authorize and regulate the use of funds hereby transferred and reappropriated.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of Two Thousand Seven Hundred Dollars (\$2,700.00) of the amount heretofore appropriated by Section 2, subsection III, Item F(15) of the General Appropriations Act—Act No. 256, H. 23, Regular Session of 1967 (Acts of 1967, Vol. 1, p. 645 at page 706), to the Farmers Market Authority for use during the fiscal year ending September 30, 1969 "for other expenses" is hereby transferred and reappropriated to such Authority for expenditure for equipment purchases during such fiscal year. The Farmers Market Authority is hereby authorized to use and expend such \$2,700.00, or so much thereof as is needed, for equipment purchases during the fiscal year ending September 30, 1969. The monies hereby appropriated shall be subject to budget and allotment as now provided by law.

Section 2. The provisions of this Act shall supersede the provisions of Section 2, subsection III, Item F(15), Act No. 256, H. 23 of the Regular Session of 1967 which conflict herewith. Any other law or parts of laws in conflict herewith are hereby repealed to the extent only that same are in conflict with this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:20 P.M.

Act No. 752 H. 471—Dill, Adwell, Bowers, Jackson (T),
 Ellis, Holman, Weeks, Gloor,
 Sessions, House, Crane, Waggoner,
 Kilgore, Cherner

AN ACT

To provide for the compensation to be paid the circuit district attorney by counties having a population of 600,000 or more according to the last or any subsequent decennial federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. In judicial circuits composed of one county having a population of 600,000 or more according to the last

or any subsequent federal decennial census, there shall be paid to the circuit district attorney of such circuits in addition to the compensation paid to such circuit district attorney by the State of Alabama, the sum of Four Thousand Five Hundred Dollars (\$4,500.00) per annum which shall be paid in equal monthly or semi-monthly installments out of the general treasury of the county; provided, however, that if the said four thousand five hundred (\$4,500.00) per annum when added to the salary paid to such district attorney by the State of Alabama does not produce a total annual salary of as much as twenty one thousand dollars (\$21,000.00) per annum, then the amount that shall be paid per annum by such county to such district attorney, in addition to the compensation paid to him by the State of Alabama, shall be such an amount as will produce a total annual salary of twenty one thousand dollars (\$21,000.00). The county supplement hereby provided to be paid to such circuit district attorney shall be in lieu of all county supplements heretofore payable to such circuit district attorney.

Section 2. This act shall become effective at the beginning of the next term of office of such circuit district attorneys.

Approved September 12, 1969.

Time: 4:21 P.M.

Act No. 753

H. 513—Ellis, Smith, Lybrand, Hain, Pearson

AN ACT

Creating a Special Commission to be known as the "Alabama Constitutional Commission", prescribing its purposes, duties and authority, and creating a fund providing appropriations for the payment of its expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama Constitutional Commission, hereinafter referred to as "Commission", consisting of twenty-one members appointed as hereinafter provided.

Section 2. The Commission shall consider and investigate the necessity for and the extent and nature of desirable amendments to or general revision of the Constitution of 1901 of Alabama, and the appropriate procedures for submission and adoption of such amendments or revisions.

Section 3. The Commission shall make specific recommendations for amendments or revisions of the Constitution in a report to the Legislature through the President of the Senate and Speaker of the House of Representatives, and to the Gover-

nor, on or before the commencement of the Regular Session of the Legislature in 1971.

Section 4. The Commission shall hold public meetings, which shall be attended by not less than five members of the Commission, with respect to all constitutional amendments or revisions proposed to be recommended in its report in each of the Cities of Decatur, Birmingham, Montgomery, and Mobile at such times as it may determine, and it may hold such hearings at such other places and times as it may determine. The substance of all proposals to be discussed at such hearings shall be published at least two weeks in advance of the hearings in a daily newspaper or newspapers of general circulation in the area of the hearings as the Commission shall select.

Section 5. The Commission is authorized to employ professional assistants and advisers and clerical and other personnel and to appoint such advisory committees, all as it deems necessary; provided, however, that all persons employed and appointed under this section shall be bona fide residents of Alabama.

Section 6. All agencies of the State and its political subdivisions, including all colleges and universities supported in whole or in part by state funds, are directed to furnish such offices, facilities, advice, assistance and information as the Commission may request, to the extent reasonably within the ability of the agency, and the Commission is authorized to request and receive the benefits of same.

Section 7. The Commission shall cause its final report and such tentative and interim reports and recommendations as it may determine, to be printed for general circulation in such form and quantities, and on such terms as it shall prescribe. All of said reports and recommendations shall be of a public nature and shall be printed as provided in Code of Alabama, Title 55, Chapter 4, Article 4, Subdivision 2.

Section 8. The Commission shall consist of twenty-one members, of whom at least two shall reside in each Congressional District, selected as follows:

- (a) Fourteen members shall be appointed by the Governor;
- (b) The President of the Senate and the Speaker of the House shall be members of said Committee by reason of their office;
- (c) Three members shall be appointed by the Speaker of the House from the membership of the House;
- (d) Two members shall be appointed by the President of the Senate from the membership of the Senate.

Section 9. All appointments and acceptances shall be filed with the Clerk of the House, and published with the Acts of the Legislature. Members shall not be subject to removal. Vacancies resulting from death, incapacity as determined by the Commission, or resignation shall be filled by the officer making the appointment to the place in which the vacancy occurs. The Commission shall, by a majority vote of the whole Commission, designate one of its members as Chairman.

Section 10. The members of the Commission shall be entitled to receive thirty dollars (\$30.00) per diem and mileage on actual meeting days.

Section 11. The Commission shall adopt such rules, regulations and procedures for the conduct of its hearings, its committee meetings and other business of the Commission, as the Commission shall best determine. In adopting reports, making recommendations, determining the holding of public hearings, authorizing the use or disbursement of funds, and in other matters requiring Commission approval, the Commission shall act by a majority of its members present at a meeting thereof at which a quorum is present or by the written consent of a majority of its members. For the purposes of this Section, a quorum shall consist of thirteen members of the Commission.

Section 12. The Commission is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created in the State Treasury a fund which shall be known as the Constitutional Commission Fund. This fund shall consist of: (a) all moneys appropriated to the Commission by the State Legislature of Alabama; (b) all moneys received by the Commission by appropriation from county or municipal governments. The fund shall be used and expended as directed by the Commission.

Section 13. There is hereby appropriated to the Commission from the State General Fund the sum of \$100,000.00.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:22 P.M.

CERTIFICATE OF CLERK

I hereby certify that pursuant to requirements of Section 8, of Act No. 753, (H. 513), approved by the Governor at 4:22 P.M., September 12, 1969, as follows:

- (a) Fourteen persons namely, Senator Woodrow Albea, Anniston; Hon. Lawrence Dumas, Jr., Birmingham; Hon. Conrad M. Fowler, Columbiana; Hon. Peter A. Hall, Birmingham; Hon. William Brevard Hand, Mobile; Hon. George C. Hawkins, Gadsden; Hon. Thomas A. Johnston, III, Mobile; Hon. John P. Kohn, Jr., Montgomery; Dr. Malcolm C. McMillan, Auburn; Dr. Coleman B. Ransone, Jr., University; Hon. H. Gerald Reynolds, Alexander City; Dean Margaret D. Sizemore, Birmingham; Hon. Charles P. Stakely, Jr., Montgomery; and Hon. J. Edward Tease, Florence were appointed to membership on said Alabama Constitutional Commission, and each has accepted his appointment in writing.
- (b) Senator O. J. (Joe) Goodwyn, President of the Senate, and the Hon. Rankin Fite, Speaker of the House, both of whom are members of said Commission by virtue of office, have accepted their appointments in writing.
- (c) The Speaker, appointed the following members of the House of Representatives as members of said Commission: Rep. Hugh D. Merrill, Anniston, District No. 16; Rep. W. E. (Gene) Garrett, Uriah, District No. 34; and Rep. Thomas M. Marr, Mobile, District No. 37. Each has accepted his appointment in writing.
- (d) The President of the Senate, appointed the following members of the Senate: Senator William H. McDermott, Mobile, 24th District and Senator A. Stewart O'Bannon, Jr., Florence, District 1, as members of said Commission. Each has accepted his appointment in writing.

A copy of each notice of appointment and each letter of acceptance is on file in the Clerk's Office.

JOHN W. PEMBERTON
Clerk

To provide for the supervision, management, development, and control of certain State-owned islands in the waters of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty and responsibility of the Division of State Lands of the Department of Conservation to protect, develop, and supervise all State-owned islands now existing or which may appear in the future on the waters of this State which are not used by any department or agency of the State government. The Division of State Lands is authorized and empowered to develop said islands in such manner as may be in the best interest of the State, and is further empowered, with the approval of the Governor, to sell or cause to be sold timber, minerals, sand and gravel from said islands; provided, however, such sales shall be only upon a competitive bid basis.

Section 2. Upon the effective date of this Act, title to all islands as defined in Section 1 hereof shall be vested in the Division of State Lands of the Department of Conservation, and all revenues derived therefrom shall be deposited in the State Treasury to the credit of the State Lands Fund.

Section 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:23 P.M.

Act No. 755

H. 562—Smith

AN ACT

To designate marble as the official rock of the State of Alabama.

WHEREAS marble, a rock composed primarily of calcium carbonate, is most plentiful in Alabama, being found in the counties of Talladega, Bibb, Calhoun, Clay, Coosa, Etowah, Lee, Macon, St. Clair, and Shelby, and having been quarried in the State since 1840; and,

WHEREAS one of the most remarkable beds of marble in the world, at least 200 feet thick, occurs near Sylacauga, in Talladega County, being fine-grained and mostly white, of exceptional purity and hardness, taking a beautiful polish, and having high resistance to abrasion; and,

WHEREAS buildings throughout this State and the United States have been constructed and ornamented with Alabama

marble and this rock has been made a part of some of the nation's most beautiful buildings; and,

WHEREAS, in addition to its decorative uses, crushed and ground marble is growing in importance as industrial raw material, having application in textiles, paints, electrical insulation, plastics and foods, among others; now, therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. Marble is hereby designated and named the official rock of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:24 P.M.

Act No. 756

H. 566—Hill

AN ACT

To provide for inclusion of shelters from radio-active fallout in new public buildings and structures erected in the state wherein the use of state funds are involved, including all public school buildings and structures and buildings or structures of colleges and universities.

Be It Enacted by the Legislature of Alabama:

Section 1. Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations:

“Public Building or Structure” shall mean all buildings constructed for any department, agency, board, commission, council or authority of the State of Alabama, including public school buildings or structures and public buildings or structures of universities and colleges, including any additions to existing buildings or structures. “State Building Commission” means the building commission created by Act No. 128, Acts of Alabama, Regular Session 1945. “Radioactive fallout protection” means the minimum space and fallout protection criteria recommended by the Office of Civil Defense, United States Department of Defense, or its successor organization.

Section 2. No person, officer, official, board, commission, agency, council or authority shall cause to be planned or constructed any publicly owned building or structure in the state of Alabama, costing more than \$50,000, wherein the use of state funds are involved, including public school buildings and struc-

tures and including public buildings and structures of colleges and universities, without incorporating or causing to be incorporated in such building or structure protection from radioactive fallout for at least its normal anticipated occupancy. Such protection shall meet or exceed the minimum space and fallout protection criteria recommended by the office of Civil Defense, United States Department of Defense, at the time of the beginning of planning of said building.

Section 3. It shall be the duty of the State Building Commission to certify that all public buildings or structures have been planned, or are being constructed, with radioactive fallout protection sufficient to comply with the provisions of this act. All public buildings and structures shall have incorporated in the architectural plans provisions for radioactive fallout protection and shall be so constructed unless such requirement would create an additional net cost in the construction of such building or structure so as to make the provision of radioactive fallout protection economically impracticable, or that other factors make unnecessary or impracticable the incorporation of such radioactive fallout protection. Any person, official, board, commission, council, agency or authority desiring an exemption from the requirements of this Act with regard to any public building or structure may apply to the State Building Commission for an exemption from the requirements of the provisions of this Act, and the State Building Commission may grant such exemption if concurred in by the Alabama Director of Civil Defense and the Governor. In making a determination on the question of whether the requirement of radioactive fallout protection is economically impracticable, the State Building Commission shall grant an exemption in any case where application is made therefor if the cost of inclusion of radioactive fallout protection would create an additional net cost in the cost of such public building or structure in excess of the percentages of the estimated costs of such public building or structure, as follows:

- 4% for costs of \$50,000 to \$500,000
- 3% for costs of \$500,001 to \$1,500,000
- 2% for costs exceeding \$1,500,001

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:25 P.M.

Act No. 757

H. 567—Hill

AN ACT

To authorize municipalities and county governing bodies to require the inclusion of radioactive fallout protection in new public buildings or structures.

Be It Enacted by the Legislature of Alabama:

Section 1. Each municipal and county governing body in this State, may, by ordinance or resolution, require that all new public buildings or structures, hereafter planned or constructed, and any additions to existing buildings or structures, hereafter planned or constructed, be so planned and constructed that fallout protection from radioactivity for at least the normal anticipated occupancy will be provided. Said municipality or county governing body may require that such radioactive fallout protection meet the minimum space and fallout protection criteria recommended by the Office of Civil Defense, United States Department of Defense, at the time of the beginning of the planning of such building or structure. In no case, however, shall a requirement be made if the cost of inclusion of radioactive fallout protection in such building or structure would create an additional net cost in the cost of any such building or structure in excess of the percentages of the estimated costs of such building or structure as follows:

- 4% for costs of \$50,000 to \$500,000
- 3% for costs of \$500,001 to \$1,500,000
- 2% for costs exceeding \$1,500,001

Section 2. The provisions of this act are in addition to any other powers and authorities heretofore conferred upon municipal and county governing bodies relating to regulations to buildings and structures, and the provisions of this act are cumulative thereto.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:26 P.M.

Act No. 758

H. 584—Lybrand

AN ACT

To amend Section 4 of Act No. 673, H. 2, approved October 9, 1947 (General Acts of Alabama, 1947, p. 514), known and cited as the "Regional Vocational and Trade Schools Act," by providing for and regulating

certain paid leaves of absence for members of the faculty of such schools, caused by sickness.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 673, H. 2, approved October 9, 1947 (General Acts of Alabama, 1947, p. 514), known and cited as the "Regional Vocational and Trade Schools Act," is amended to read as follows:

"Section 4. The authority to manage and control the trade schools is vested in the State Board of Education. The State Board of Education, upon the recommendation of the State Superintendent of Education, shall: make rules and regulations for the government of the trade schools; prescribe the courses of study to be offered and the conditions for granting certificates and diplomas; appoint the president of each trade school and, upon the president's recommendations, appoint the members of the faculty and fix the tenure and salary of each; direct and supervise the use of legislative appropriations for the use of the trade schools; accept gifts, donations, devises, and bequests of money and real and personal property for the purposes of this Act; disseminate information concerning and promote interest in the trade schools among the pupils of the public schools; and provide a means whereby students may earn, if necessary, all or a portion of their tuition, board, and lodging. It is further provided that the trade schools shall be managed and conducted in such a manner so as to be accredited as suitable institutions for veteran vocational and rehabilitation training programs sponsored by the United States. Members of the faculty of any such trade school may be paid for absences during the time such schools are in session, in the discretion of the State Board of Education, where such absence results from sickness or some other unavoidable cause which prevents the teacher from discharging his or her duties. Such leaves of absence shall be granted subject to rules and regulations duly promulgated and adopted by said board, provided however, that payment for such absences caused by sickness shall be in accord with the provisions of law governing sick leave for teachers and other employees of city and county boards of education in the State of Alabama as provided in Sections 197 and 136 of Title 52 of the Code of Alabama, 1940, as amended, and pay for such absences resulting from unavoidable causes other than sickness shall not be allowed for a total of more than one week during any one year."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:27 P.M.

Act No. 759 H. 593—McCorquodale, Stembridge, Brannan,
Pruitt, Agee, House

AN ACT

To repeal Title 8, Section 95, Code of Alabama 1940; 1935 General Acts, Page 813, and to amend Act No. 187, H186, Acts of Alabama, Special Session 1961, Page 2157, approved September 15, 1961, which relates to licenses to capture and kill furbearing animals.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 8, Section 95, Code of Alabama 1940, 1935 General Acts, Page 813, be and the same is hereby repealed.

Section 2. That Section 91 of Title 8, Code of Alabama 1940, as amended by Act No. 707, 1951 Acts of Alabama, Volume II, Page 1246, approved September 5, 1951, and further amended by Act No. 187, 1961 Acts of Alabama, Volume II, Special Session, Page 2157, be and the same is hereby amended to read as follows:

“Section 91. It shall be unlawful for any person to take, capture or kill, or to attempt to take, capture or kill, for commercial purposes by any means or device, any of the furbearing animals protected by the laws or regulations of this State without first procuring a license therefore to be issued in the same manner as is provided for hunting and fishing licenses. Any person who has been a bona fide resident of this State for six months next preceding may procure a resident trapping license for himself by paying the sum of five dollars and fifteen cents. Any person who has not been a bona fide resident of this State for six months next preceding may procure a non-resident trapping license for himself by paying the sum of twenty-five dollars and fifteen cents. Any resident or non-resident when trapping for beaver only shall not be required to pay a license fee. Said trapping license shall be valid only during the season when furbearing animals may be legally taken. A violation of the provisions of this section or failure to fully comply therewith shall constitute a misdemeanor and upon conviction, the person violating same or failing to comply therewith shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars for each offense.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12. 1969.

Time: 4:28 P.M.

Act No. 760 H. 596—Holman, Kilgore, Weeks, Jackson (T),
Cherner, Gafford, Yeilding, Sessions,
Watkins, Ellis, Money, Bowers,
Cook (Jefferson)

AN ACT

Applicable in each county having a population exceeding 600,000 according to the then next preceding federal decennial census; and providing that a permit from the governing body of each such county shall be a prerequisite to the use of public highways and other public ways in the county for construction, installation or commencement of operation therein of public water facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Applicability of Act. This act shall be applicable at any time to each county in the state that has a population exceeding 600,000 according to the then next preceding federal decennial census.

Section 2. Definitions. The following words and phrases, wherever used in this act, shall have the respective meanings hereinafter ascribed to them:

"The county" means as of any particular time each county that is then within the classification provided for in Section 1 of this act.

"Unregulated public corporation" means and includes, as of any particular time, any municipal corporation or other public corporation that then exists under the laws of the State of Alabama and that is not then subject to regulation by Alabama Public Service Commission.

"Public water facility" means any plant, property or facility for the supply, storage, distribution, or furnishing to or for the public of water for manufacturing, municipal, domestic, or other uses.

"Public highway" means any public highway, street, road, or other public way.

"Unincorporated territory" means any area that lies outside the corporate limits of any municipal corporation.

The definitions hereinabove set forth shall be deemed applicable whether the words defined are herein used in the singular or the plural.

Section 3. Requirement for Permit from Governing Body of County in Respect of Certain Public Water Facilities in Unincorporated Territory. No unregulated public corporation shall have the power to construct, install, or commence operation of a public water facility in, under, or across any public highway, in unincorporated territory within the county, unless such unregulated public corporation shall have first obtained a permit from the governing body of the county under the provisions of this act. Any unregulated public corporation shall have the privilege of filing with the governing body of the county an application for a permit to construct, install, or place in operation any public water facility in one or more public highways in unincorporated territory in the county. Any such application shall set forth (in addition to any other matter that the applicant may choose to insert) (1) a specific description of the location of the public water facility proposed to be so constructed, installed, or operated, including a specific designation of the public highway or public highways in which any such facility is proposed to be so constructed, installed or operated, and the terminal points in each such public highway of each such public water facility, and (2) a specific description of the area or areas in which the unregulated public corporation proposes to render water service from the public water facility in respect of which the application is filed. The governing body of the county shall consider any application for a permit that may be filed with it pursuant to the provisions of this act and shall determine whether the proposed construction, installation and operation of the public water facility with respect to which such application is filed is consistent with the public interest. If the governing body shall find that any such construction, installation or operation is consistent with the public interest it shall approve the said application and issue a permit for the proposed construction, installation or operation. Otherwise, the said governing body shall disapprove the said application.

Section 4. This Act Does Not Relate to Facilities Already in Operation. The provisions of this act shall not apply to any public water facilities that have been constructed and placed in operation prior to the effective date of this act.

Section 5. Severability. The provisions of this act are hereby declared severable. If any part of this act should be held invalid, such holding shall not affect the part which remains.

Section 6. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:29 P.M.

Act No. 761

H. 622—Mathews, Springer

AN ACT

To make appropriations from the State Treasury for Capital improvements.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from monies in the State Treasury to the credit of the funds designated herein for the fiscal years ending September 30, 1970, and September 30, 1971, to be used for Capital improvements only, the following amounts for the specific projects:

Section 2. STATE BUILDING COMMISSION:

For the fiscal year
ending September
30, 1970:

- (a) For construction and equipping a building for the use of the Department of Agriculture and Industries 1,500,000.00
- (b) For construction and equipping of additions to the Archives and History building for the use of Department of Archives and History 1,000,000.00
- (c) For construction and equipping a Cafeteria for the use of the Alabama Industrial

School — Mt. Meigs	500,000.00	
Total		3,000,000.00

The above appropriations in subsections (a), (b), and (c) shall be paid from the State General Fund.

(d) For construction and equipping Welcome Centers for the use of the Bureau of Publicity and Information for each of the fiscal years ending September 30, 1970, and September 30, 1971.	35,000.00
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The above appropriations in subsection (d) shall be paid from the receipts collected under the provisions of Act No. 269, 1963 Regular Session.

Section 3. FARMERS' MARKET
AUTHORITY:

There is hereby appropriated to the Farmers' Market Authority, for the purpose of acquiring, erecting, constructing, and equipping farmers' markets.

For the fiscal year ending September 30, 1970	300,000.00
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For the fiscal year ending September 30, 1971	50,000.00
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The above appropriations shall be paid from the State General Fund and is conditional upon the condition of the Treasury and with the approval of the Governor.

Section 4. **ARMORY COMMISSION:**

For the fiscal year ending September 30, 1970:

For the construction of an Armory at Athens ...	10,000.00
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For the construction of an Armory at Decatur ...	70,000.00
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For necessary repairs and improvements to Fort Whiting Armory—Mobile	60,000.00
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For the purchase of land from Republic Steel Corporation for Lewisburg Rifle Range, Birmingham	13,000.00
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Total	153,000.00
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For the fiscal year ending September 30, 1971:

For necessary repairs and improvements to Fort John C. Persons Armory	60,000.00
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For the construction of an Armory at Arifton ...	45,000.00
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Total	105,000.00
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The above appropriations shall be paid from the State General Fund.

Section 5. **LIVESTOCK COLISEUM:**

For the fiscal year ending September 30, 1970:

For portable hardwood floor for Coliseum Arena	53,000.00
For portable steel arena risers for portable seat- ing	31,000.00
For sign or Marque at the Coliseum	18,000.00
For updating sound sys- tem in Coliseum	27,000.00
For painting the Coliseum	35,350.00
For additional fire hy- drant at Coliseum	6,000.00
For a new exhibit build- ing	53,000.00
For beautification of Coliseum Grounds	10,000.00
For construction of Cattle Chutes and Pens	10,000.00
Total	<hr/> 243,350.00
The above appropriations shall be paid from the State General Fund.	

Section 6. DEPARTMENT OF
CONSERVATION:

(a) Game and Fish
Division:

For the fiscal year
ending September
30, 1970:

For Construction, Improvements and Repairs of Public Lakes and Access Areas	200,000.00
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For the fiscal year
ending September
30, 1971:

For Construction, Improvements and Repairs of Public Lakes and Access Areas	100,000.00
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The above appropriations shall be paid from the Game and Fish Fund.

(b) Division of Forestry :

For the fiscal year
ending September
30, 1970 :

For purchases of Tower Sites	400.00	
For purchase of materials for Latrines	600.00	
For bathroom fixtures and sewage disposal systems— Dwellings	1,299.00	
For bathroom fixtures and sewage disposal systems— Office	300.00	
For bathroom—Addition to dwelling ...	500.00	
For sewage disposal system — State Forest	750.00	
For picnic tables— Concrete	375.00	
For fencing material	1,136.00	
Total		5,360.00
For the fiscal year ending September 30, 1971 :		
For Latrines	600.00	

For bathroom fixtures and sewage disposal systems	850.00	
For bathroom—Added to Dwelling	500.00	
For well, pump, tank and pumphouse	4,000.00	
For tower site—land purchases	400.00	
For materials for fencing state owned lands—Tower Sites	1,118.00	
	<hr/>	
Total		7,468.00
The above appropriations shall be paid from the Forestry Fund.		

(c) Seafood Division:

For the fiscal year ending September 30, 1970:		
Oyster and Shrimp improvements	25,000.00	
Laboratory payments	54,000.00	
Boat Slip and Shop building	15,000.00	
	<hr/>	
Total		94,000.00
For the fiscal year ending September 30, 1971:		
Oyster and Shrimp improvements	25,000.00	
Site and Construction of Aquaculture station	45,000.00	
	<hr/>	
Total		70,000.00

The above appropriations shall be paid from the Seafood Fund.

The amounts herein appropriated to the several divisions of the Department of Conservation are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items exceed the amount allocated herein, except in the event of an emergency so determined by the Director of Conservation and the Governor any portion of the amounts herein appropriated may be expended to pay the cost of such emergency.

Section 7. DEPARTMENT OF
CORRECTIONS AND
INSTITUTIONS:

For the fiscal year ending September 30, 1970:

For Draper Prison:

For remodeling kitchen ...	52,300.00
For construction of Guard Towers	10,000.00
For reroofing prison	5,500.00
For repairs to electric system	3,000.00

For installation of baths 29,200.00

Total 100,000.00

For the fiscal year ending September 30, 1971:

(a) For Atmore Prison:

For construction of a hay barn 1,800.00

For construction of a warehouse 6,500.00

For construction of an equipment shed ... 4,400.00

For painting and repairs 10,000.00

For repairs to Employees houses 52,800.00

Total 75,500.00

(b) For Draper Prison:

For construction of a warehouse 3,200.00

For construction of an ear corn barn 3,400.00

For a grist mill 2,900.00

For repairs to Employees houses 10,000.00

Total 19,500.00

(c) For Tutwiler Prison:

For reroofing prison 3,000.00

For repairs to heating system 2,000.00

Total 5,000.00

The above appropriations shall be paid from the funds in the State Treasury

to the credit of the
Department of Cor-
rections and Insti-
tutions.

Section 8. DAUPHIN ISLAND
PARK AND BEACH
BOARD:

For the fiscal year end-
ing September 30, 1970:

Reroofing Casino Build- ing	10,000.00	
Repairs and Renovation to downstairs interior of Casino building	61,000.00	
Installation of Toilet facilities at Fort Gaines Trailer Park	29,000.00	
	<hr/>	
Total		100,000.00

For the fiscal year end-
ing September 30, 1971:

For repairs and renova- tions to Casino Build- ing exterior	52,000.00	
Repairs and renovation to upstairs interior of Casino building	27,000.00	
For parking facilities and beach area	21,000.00	
	<hr/>	
Total		100,000.00

The above appropriations
are payable from the
State General Fund.

Section 9. PIKE COUNTY FAIR:

For the fiscal year ending
September 30, 1970:

For the construction of a Pike County Agricultural Center Building	10,000.00
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The above appropriation shall be paid
from the State General Fund.

Section 10 **NORTHWEST ALABAMA
JUNIOR COLLEGE:**

For the fiscal year ending
September 30, 1970:

For the construction of a lake at the
Northwest Alabama Junior College ... 25,000.00

The above appropriation shall be paid
from the Alabama Special Educa-
tional Trust Fund.

Section 11. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 12. This Act shall become effective October 1, 1969.

Approved September 12, 1969

Time: 4:30 P.M.

Act No. 762

H. 632—Starnes

AN ACT

To amend Act No. 566, Regular Session 1959 (Acts 1959, p. 1424) relating to frauds concerning checks, drafts, or orders by removing the ten day limitation for proof of payment to overcome the presumption of fraud raised by refusal by the drawee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 566, Regular Session 1959 (Acts 1959, p. 1424) is hereby amended to read as follows:

“Section 2. As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft, or order payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or on deposit with, such bank, person, firm or corporation. Provided, proof of payment of the amount due the holder of the check, draft, or order by the drawer after notice that such check, draft or order was not paid by the drawee shall be sufficient to overcome the presumption of prima facie evidence provided herein.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969

Time: 4:31 P.M.

Act No. 763

H. 635—House

AN ACT

To amend further Section 2 of Act No. 217, S. 23 of the 1967 Special Session of the Legislature of Alabama (Acts, 1967, p. 259), so as to exempt from the provisions of said act contracts relating to medical clinic boards organized under the provisions of Act No. 516 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended by Act No. 109 adopted at the 1965 First Special Session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 217, S. 23 of the 1967 Special Session of the Legislature of Alabama (Acts, 1967, p. 259), as amended, is further amended to read as follows:

“Section 2. Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation or ordinance; to the purchase of insurance; to the purchase of ballots and supplies for conducting any primary, general, special or municipal election; to contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service; to contracts for furnishing of fiscal or financial advice or services; to purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Act No. 542, approved September 9, 1955; to purchase of maps or photographs purchased from any federal agency; to purchases of manuscripts, books, maps, pamphlets or periodicals; to the selection of paying agents and trustees for any security issued by a public body; to contractual services and purchases of commodities for which there is only one vendor or supplier; to contractual services and purchases of personal property which by their very nature are impossible of award by competitive bidding, nor shall this act apply to any purchases of products where the price of such products are already regulated and established by state law, nor to purchases made by individual schools of the county or municipal public school system from monies other than those raised by taxation or received through appropriations from

state or county sources; nor to the purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or expansion of any building or structure, or other facility, designed or intended for lease or sale by a medical clinic board, organized under the provisions of Act No. 516 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended by Act No. 109, adopted at the 1965 First Special Session of the Legislature of Alabama, nor to the purchase, lease or other acquisition of machinery, equipment, supplies and other personal property or services; nor to purchases for public hospitals, and nursing homes operated by the governing boards of instrumentalities of the state, counties and municipalities; nor to contracts for the purchase, lease, sale, construction, installation, acquisition, improvement, enlargement or extension of any plant, building, structure or other facility, or any machinery, equipment, furniture or furnishings therefor, designed or intended for lease or sale for industrial development, other than public utilities, under the provisions of Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, or Act No. 756 adopted at the 1951 Regular Session of the Legislature of Alabama, or any other statute or amendment to the Constitution of Alabama heretofore or hereafter enacted or adopted authorizing the construction of plants or other facilities for industrial development or for the construction and equipment of buildings for public building authorities under the provisions of Act No. 493 of the 1955 Session of the Legislature of Alabama, as amended. The said state trade schools, state junior colleges, state colleges and universities under the supervision and control of the State Board of Education, the city and county boards of education, the county boards of revenue or other similar county governing bodies, and the governing bodies of the municipalities of the state shall establish and maintain such purchasing facilities and procedures as may be necessary to carry out the intent and purpose of this act by complying with the requirements for competitive bidding in the operation and management of each such state trade school, state junior college, state college or university under the supervision and control of the State Board of Education, the city and county boards of education, the county boards of revenue or other similar county governing bodies, and the governing bodies of the municipalities of the state, and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards, and other like utility boards and commissions. Contracts entered into in violation of this act shall be void."

Section 2. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:32 P.M.

Act No. 764 H. 673—McCorquodale, Mays, Hardin, Turnham,
Agee, Brassell, Cook (Coffee),
Steagall, Brannan, Foshee, Melton

AN ACT

To create a state forestry commission; to provide for the appointment of the commission members and to specify their authority and duties; to provide for the appointment of a state forester and assistant state forester and to specify their authority and duties; to provide for the transfer of all monies, records, and physical properties, both real and personal, of the Forestry Division of the Department of Conservation to the Alabama Forestry Commission; to provide for the staff and personnel of the Forestry Commission; to provide for the jurisdiction and the authority for the commission over the state forests and other lands; to provide for the compensation and expenses of the commission members and the state forester and assistant state forester; to provide the rule-making power of the commission; to provide for a fund to be known as the Alabama Forestry Commission Fund; and repeal all laws or parts of laws in conflict with the provision of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a State Forestry Commission, hereinafter referred to as Commission, which Commission shall be composed of seven (7) members to be appointed by the Governor with the advice and consent of the Senate. Two members shall be appointed for a period of one year, two for a period of two years, two for a period of four years and the remaining member for a period of five years. Upon the expiration of said terms, appointments thereafter shall be for a period of five years and until their respective successors in office have been appointed and qualified. At all times at least two of such members shall be licensed and registered foresters under the laws of Alabama. At all times at least three of such members shall be owners of timberland in Alabama.

Section 2. The Commission shall, upon its first meeting, which shall be called by the Governor within sixty (60) days after appointment of the membership, elect from its membership a chairman and vice-chairman who shall serve for a period of one (1) year. The vice-chairman shall act in the place of the chairman in his absence or disability. The Commission shall meet at such times as designated by the Commission or the chairman at the State Capitol or at other places as it deems necessary or convenient, but the chairman of the Commission must call a meeting two (2) times each year, one meeting in the month of January and one meeting in the month of July.

The chairman of the Commission may also call a special meeting at any time he deems it advisable or necessary. A quorum shall be four (4) members present and all matters coming before the Commission shall be voted on by the Commission. The Commission will keep or cause to be kept a record of all transactions discussed or voted on at its meeting. Commission members shall be entitled to a salary of \$25.00 per day when in attendance at a meeting or on official business of the Commission, together with their reasonable actual expenses. Such compensation and expenses shall be paid from funds of the Commission.

Section 3. If any member of the Commission for any cause fails to attend three (3) successive meetings of the Commission without good and valid cause or excuse or without a leave of absence from the chairman, his office shall be declared vacant by the Commission and the chairman shall notify the Governor of the vacancy who will then fill the vacancy as provided by Section 5.

Section 4. The functions and duties of the Commission shall be as follows: To protect, conserve and increase the timber and forest resources of this State and to administer all laws relating to timber and forestry and the protection, conservation and increase of such resources; to make exploration, surveys, studies, and reports concerning the timber and forest resources, and to publish such thereof as will be of general interest, to maintain, supervise, operate and control all state forests; to cooperate with and enter into cooperative agreements and stipulations with the Secretary of Agriculture of the United States or any other federal officer or department, board, bureau, commission, agency or office, thereunto authorized, with respect to the protection of timbered and forest-producing land from fire, insects and disease, the acquisition of forest lands to be developed, administered and managed as state forests, the production, procurement and distribution of forest trees and shrub planting stock, the carrying on of an educational program in connection therewith, the assistance of the owners of farms in establishing, improving and renewing wood lots, shelter belts, wind breaks and other valuable forest growths, the growing and renewing of useful timber crops, and the collection and publication of data with respect to the timber and forest resources, or any other matters committed to the Commission by this title; and to make and enforce all regulations and restrictions required for such cooperation, agreements or stipulations; to carry on a program of education and public enlightenment with respect to the timber and forest and other natural resources of Alabama; to make an annual report to the Governor concerning the activities and accomplishments of the Commission for the pre-

ceding fiscal year; to recommend to the legislature such legislation as may be needed further to protect, conserve, increase, or to make available or useful the timber and forests and other natural resources of Alabama; to supervise, direct, and manage all activities of the Forestry Commission and its staff and employees.

Section 5. The Commission shall give such advice, assistance and cooperation as may be practicable to private landowners, and promote, so far as it may be able, a proper appreciation in this State among all classes of the population, of the benefits to be derived from forest culture, preservation and use. The Commission may take such measures as may be reasonable and practicable to prevent and suppress forest fires and other influences harmful to forest growth and may apply such parts of the forestry fund and other funds accruing to it as may be necessary to such purposes and to providing such systems of control as it may establish, either independently or in cooperation with the federal government and other agencies, public or private. The Commission shall be the sole cooperating agency in joint work in the promotion and development of forestry and other matters and interests devolving upon it by law, among all classes of land ownership in the State, in which both the State and the federal government may have financial or administrative participation.

The Commission, for the purpose of establishing, developing and maintaining State forests, administrative headquarters sites, tower sites, and other areas necessary for its efficient operation, may acquire land by donation, purchase, condemnation or lease, and for these purposes may use such funds as may be available to it and not otherwise obligated and may enter into agreements with the federal government or other agencies and private landowners for acquiring by lease, purchase or otherwise such lands as in its judgment are desirable or necessary.

When lands are acquired or leased under this Section, the Commission is authorized to make expenditures from any funds not otherwise obligated for the management, development and utilization of such areas, to sell or otherwise dispose of products from such lands to have sole charge of all state forests and other lands that have been acquired hereunder and to have authority to make such rules and regulations for the management administration, occupancy and use of said lands, and all property and things of whatsoever nature therein or thereon, as it shall find necessary.

The Commission shall have full power and authority to sell, exchange, or lease lands under its jurisdiction when in its judgment it is advantageous to the State to do so in the orderly

development and management of State forests and other designated areas; provided, however, said sale, lease or exchange shall not be contrary to the terms of any contract which it has entered into.

The Commission may employ such officers, assistants and employees as may be necessary and, as to persons employed wholly or in part in carrying out the provisions of cooperative agreements with the federal government or other agencies, for such compensation heretofore or hereafter paid may use such contributions or receipts as may be derived from the United States or from any private or philanthropic source.

Section 6. It shall be the duty of the Alabama Forestry Commission to appoint with the advice and consent of the Governor a state forester who shall serve as the executive secretary and administrative officer for the Commission. The person so appointed as the state forester must have earned a minimum of a bachelor or science degree in forestry and must be licensed and registered under the forestry laws of Alabama with considerable experience in the forestry field. The state forester shall receive a salary as fixed by the Commission and shall serve at the pleasure of the Commission and shall receive actual expenses when traveling on official business of the Commission. Until otherwise provided for by the Commission, the present state forester of the Division of Forestry of the Department of Conservation shall continue to serve as the state forester under the Commission. The state forester shall devote his full time to the duties of his office. He shall be required to take the oath of office and give bond in the sum of Fifty Thousand (\$50,000.00).

Section 7. The Commission shall also appoint with the advice and consent of the Governor an assistant state forester, who shall hold at least a bachelor degree in forestry with considerable forestry experience. The assistant state forester shall serve as the chief assistant to the state forester. The assistant state forester's salary shall be set by the Commission and he shall be paid his actual expenses when traveling on official business of the Commission.

Section 8. The Commission shall have its main offices in the City of Montgomery; provided, however, it may establish other district or subdistrict offices throughout the State in such places as it may deem advisable or necessary.

Section 9. No member of the Commission, during the tenure of his office or within two (2) years thereafter, shall be eligible for appointment as state forester or for any employment under the Commission.

Section 10. The Commission shall have the power to adopt and promulgate rules and regulations pertaining to all phases of forestry within this State, which rules and regulations when adopted shall have the force and effect of law. All rules and regulations of the Division of Forestry of the Department of Conservation heretofore promulgated shall continue in effect until repealed or amended by the Commission.

Section 11. All rights, privileges, duties and responsibilities presently placed by law in the Division of Forestry of the Department of Conservation are hereby transferred and charged to the Forestry Commission hereby created, and all assets and liabilities, properties, both real and personal, together with all accounts, books, records and monies of the Division of Forestry of the Department of Conservation, are hereby transferred to the Forestry Commission for its use and benefit.

Section 12. There is hereby created a fund in the state treasury to be known as the Alabama Forestry Commission Fund and upon the effective date of this Act all monies credited to the Division of Forestry shall be transferred to the said Alabama Forestry Commission fund and all monies derived thereafter by the Commission shall be deposited to the credit of said fund.

Section 13. All personnel presently serving within the Division of Forestry of the Department of Conservation are hereby transferred to the Forestry Commission and shall continue to serve in their respective capacities under the direction of the Commission and under the provisions of the State Merit System.

Section 14. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 15. This Act shall become effective thirty (30) days after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:33 P.M.

Act No. 765

H. 675—Cook (Jeff.), Adwell, Yeilding,
Holman, Sessions, Cherner,
Money, Waggoner, Meeks,
Watkins, Ellis, Gafford

AN ACT

To provide in every County having a population of 500,000 or more according to the last or any subsequent Federal census for the creation

of a public corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the county; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census and to no other county.

Section 2. The following words and terms, as used in this act, shall have the meanings hereby ascribed to them: "the county" means any county to which this act applies; "the Bureau" means the public corporation for which this act provides; "the Board" means the Board of Directors of the Authority; "the largest city" means that city of the county having the largest population according to the last or any subsequent Federal census; "the Chamber of Commerce" means that organization the headquarters of which is in the largest city to the membership in which any reputable person engaged in mercantile, manufacturing, banking, jobbing or similar business is eligible, and which most nearly of all organizations in such city, regardless of name, performs the functions of such organizations as are commonly known as Chambers of Commerce; "person" includes a natural person, corporation, partnership, association or other entity; "City Motel-Hotel Association" means that association in the largest city the membership of which is composed of persons engaged in the hotel, motel, tourist court or similar business in such city or in the county and which has the largest membership of any such organization in said city.

Section 3. There is hereby established in the county a public corporation for the purposes herein specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Bureau".

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be "Greater Convention and Visitors Bureau". In the blank space will be inserted the name of the largest city.

The Board of Directors of the Bureau may choose some name other than that above specified at any time it elects to do so; provided, however, that if the Board of Directors chooses any other name there shall be filed for record in the office of the Probate Judge of the county a copy of the resolution of the Board of Directors stating the name adopted by the Bureau, which resolution shall be followed by a certificate signed by the Chairman of the Board of Directors stating the date on which the resolution was adopted and stating that the copy of

the resolution preceding said certificate is a true and correct copy of the resolution adopted by the Board of Directors.

Section 4. The Bureau shall be authorized and empowered to conduct programs, including but not limited to programs of information and publicity designed to attract conventions and tourists to the area. The Bureau shall be authorized to conduct such programs in Alabama and elsewhere, and to expend its funds in the furtherance of such programs in Alabama and elsewhere.

The Bureau may enter into contracts with any person, firm, corporation or association to carry out the purposes set forth in this act. No contract entered into by the Authority shall bind the State or any county or municipality of the State.

The Bureau shall have the power (a) to sue and be sued; (b) to acquire property and rights and interests, in property by gift, lease or purchase; (c) to have a seal and alter the same at pleasure; (d) to appoint officers, agents, employees and attorneys, and to fix their compensation; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said Authority is created; (g) to accept or receive gifts, bequests and devises; (h) to borrow money and execute notes and other evidence of indebtedness which may be required by the lender, and pledge anticipated revenue or income to secure payment of any such loan, provided, however, that no such pledge shall extend for more than one year from the date on which the loan is made; and (i) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purposes and for no other purposes the Bureau shall be authorized to use and apply the proceeds of any taxes which the Legislature provides shall be payable to the Bureau.

Section 5. The affairs of the Bureau shall be managed by a Board of Directors, herein called "the Board", which shall consist of the following: a member of the House of Representatives representing the County, chosen by members of the House representing the County; a member of the Senate representing the County, chosen by Senators representing the County; the Chairman of the Board of Directors of the Civic Center Authority, established by Act No. 547 of the Regular Session of 1965; the President of the Chamber of Commerce; the President of the City Motel-Hotel Association; and that person representing the classification of the motel-hotel business on the Chamber of Commerce Board of Directors.

The Representative and Senator shall be elected for a term which shall expire when the legislative term expires.

The provisions set forth below shall govern the filling of any vacancy occurring in any one or more of the five directorships, as the term "vacancy" is defined herein in this Section 5. A directorship shall be deemed to be vacant in the event that person designated as a director, as above provided, for any reason fails to serve as a director for as long as 60 consecutive days. In the event a vacancy in any directorship occurs, such vacancy shall be filled by the Legislative delegation consisting of the members of the House of Representatives and of the Senate representing such county, or the district in which the county lies, in the Legislature of Alabama.

The members of the Board shall serve without compensation, but they may be reimbursed for actual expenses incurred in the performance of their duties for the Bureau.

Section 6. The power of the Bureau shall be vested in and exercised by the Board subject to the provisions of this Act.

The Board shall be authorized to employ agents, employees, officers, consultants, attorneys and to secure such services and assistance as the Board deems necessary to enable it to conduct, and engage in the activities and purposes for which this Bureau is created.

The Board may delegate to one or more of its members, employees, agents or officers, such duties as it deems proper.

The Board shall elect a Chairman and a Vice Chairman of said Board who shall serve as Chairman in the event of the Chairman's absence. The Board shall also elect a Treasurer, Assistant Treasurer, Secretary and Assistant Secretary. One person may serve as Treasurer and Secretary, or as Assistant Treasurer and Assistant Secretary. The Treasurer, Assistant Treasurer, Secretary or Assistant Secretary may but need not be a member of the Board.

The Board shall provide by resolution for the dates on which the Chairman, Vice Chairman, Treasurer and Secretary shall be elected, which resolution shall specify the term or period for which each of the officers last named shall serve.

The Treasurer shall act as custodian of all of the funds from whatever sources derived received by such officer.

The Treasurer of the Bureau shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board.

Contracts of the Bureau shall be executed in the name of the Bureau by the Chairman of the Board and attested by the Secretary of the Bureau; provided, however, that the Board may by resolution provide for a different form for the execution of contracts and for the execution thereof by an officer or agent other than the Chairman and Secretary. In no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was authorized or ratified by the Board.

Section 7. All laws or parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:34 P.M.

Act No. 766

H. 679—Cherner, Money, Meeks, Yeilding,
Ellis, Weeks, Sessions, Holman,
Dill, Cook (Jefferson), House

AN ACT

To authorize the governing body of every county of the State having a population of 500,000 or more according to the last or any subsequent Federal census to adopt and enforce ordinances designed to promote the orderly and safe movement of pedestrian and vehicular traffic on the public highways and roads in areas of the county not situated within the boundaries of any municipality; to authorize any such governing body to adopt and enforce ordinances prescribing speeds at which it shall be lawful and speeds at which it shall be unlawful to operate vehicles on such public highways and roads; to authorize any such governing body to adopt and enforce ordinances providing for the installation or maintenance of traffic signs, traffic signals, traffic lines, traffic lanes and other devices designed to regulate and control vehicular and pedestrian traffic on such public highways and roads, to authorize any such governing body to adopt and enforce ordinances containing regulations and prohibitions regarding the parking of vehicles on such public highways and roads; to provide that no such governing body shall have the authority to adopt any ordinances applying within the corporate limits of any municipality and that no ordinance adopted under this Act shall have any effect or force within the corporate limits of any municipality; to provide that no such governing body shall have the power to pass any ordinance inconsistent with any law of the State or with any ordinance of any municipality applying within the police jurisdiction thereof; to provide that if there is any such conflict, the State law or the municipal ordinance shall prevail over the ordinance adopted by the governing body of the county, insofar as there is any

such conflict; to provide for the procedure by which the governing body shall adopt an ordinance under this Act; to provide that no ordinance adopted under this Act shall take effect until it has been published in a newspaper of general circulation in the County; to provide that all courts of the State shall take judicial notice of all ordinances adopted under this Act; to provide that the violation of any ordinance adopted under this Act shall constitute a misdemeanor and to provide the punishment to be imposed upon one convicted of any such violation; to provide that the fees and costs of court in cases involving the violation of any such ordinance shall be the same as the laws prescribed generally for misdemeanors in that court wherein the cases involving such violation arises; to repeal all laws or parts of laws in conflict with this Act to the extent of such conflict; and to provide when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, and to no other county.

Section 2. Definitions. As used in this Act, the following words and terms shall have the meanings hereby ascribed to them by this Section 2 unless a different meaning is indicated by the context: "the county" means any county subject to this Act; "governing body" means the governing body of the county; "unincorporated area" means all area in the county not situated within the corporate limits of any municipality; "highways" includes all public highways and public roads; and "traffic ordinance" includes any ordinance designed to regulate or control the speed, operation and movement of vehicular and pedestrian traffic and any ordinance prohibiting or regulating the parking of vehicles on highways.

Section 3. Legislative findings and declaration as to purpose of this Act. The Legislature has found: (1) that in many parts of the unincorporated area of the more populous counties of the State traffic on the public highways is congested; that the density of population in many parts of the unincorporated area in such counties is comparable to the density of population within the large cities in the counties; that many of the municipalities in such counties are not enforcing their traffic regulation within their police jurisdictions; that because of the density of the population and congestion of the traffic in the unincorporated areas local regulation of traffic therein is essential to the public safety. The purpose of this Act is to advance and promote the convenience and welfare of the people by authorizing the governing body of the more populous counties to adopt and enforce traffic regulations designed to promote the orderly and safe movement of pedestrian and vehicular traffic on public highways and roads of the county situated outside the limits of any municipal corporation.

Section 4. Subject to the limitations below prescribed, the governing body shall have the authority to adopt traffic ordinances which shall apply to the movement of vehicular and pedestrian traffic on the highways in the unincorporated area.

Without limiting the generality of the authority delegated by the next foregoing sentence, it is hereby provided that such authority shall include the authority to adopt and enforce ordinances prescribing any or all of the following regarding vehicles and the parking and operation of vehicles on highways in the unincorporated areas; (a) speeds at which it shall be lawful to operate vehicles and speeds at which it shall be unlawful to operate vehicles; (b) regulations designed to promote the orderly and safe movement of pedestrian and vehicular traffic; (c) regulations providing for the installation and maintenance of signs, signals, lines, lanes or devices, and regulations requiring the observance of and compliance with the same; and (d) regulations and prohibitions regarding the parking of vehicles. The county governing body shall not have the authority to adopt any ordinance applying within the corporate limits of any municipality; and no ordinance adopted hereunder shall have any effect or force within the corporate limits of any municipality.

The county governing body shall not have the power to pass any ordinance inconsistent with any law of the State, or with the ordinance of any municipality applying within the police jurisdiction thereof. The State law, or the municipal ordinance, shall prevail, insofar as there is any such conflict. The precedence of the State law or the municipal ordinance, as the case may be, shall apply regardless of whether the State law, or the municipal ordinance, is adopted prior to or subsequent to the adoption of the ordinance by the governing body of the county.

Sectoin 5. Every ordinance introduced at any and every meeting of the governing body shall be in writing and shall be read before any vote thereon shall be taken thereon and the yeas and nays thereon shall be recorded; provided that if the vote of all members of the governing body present be unanimous it may be so stated in the minutes of the meeting without recording the yeas and nays. No ordinance shall be passed at any meeting at which it is introduced except by unanimous consent by all of the governing members present; and such unanimous consent shall be shown by the yeas and nays votes entered upon the minutes of said meeting; provided, however, that if all members of the governing body present vote for the passage of the ordinance and the names are so entered on record as voting in favor thereof, it shall be construed as giving

unanimous consent to the action upon such ordinance at the meeting at which it is introduced.

Section 6. No ordinance adopted under this Act shall take effect until it has been published in some newspaper of general circulation in the county. When the ordinance is published in such newspaper, it shall take effect from and after the time such publication occurs.

Section 7. All courts of the State of Alabama shall take judicial notice of all ordinances adopted under this Act. The fees and costs of court in cases involving the violation of any such ordinance shall be the same as the laws prescribed generally for misdemeanors in that court wherein the case involving such violation arises.

Section 8. The violation of any ordinance adopted under this Act shall constitute a misdemeanor. A person convicted of violating any such ordinance shall be subject to the punishment provided for in Section 327, Title 15, Ala. Code of 1940.

Section 9. All laws or parts of laws, whether general, local or special, in conflict with this Act are hereby repealed, to the extent of such conflict.

Section 10. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself unconstitutional.

Section 11. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:35 P.M.

Act No. 767

H. 708—Young

AN ACT

A bill relating to all counties having populations of not less than 10,800 nor more than 12,000 according to the most recent federal decennial census; further regulating the salary of the members of the tax equalization board, board of registration, and jury commission in each such county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the present salary the members of the tax equalization board, board of registration, and jury

commission shall receive \$5.00 per day from the county's general fund.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:36 P.M.

Act No. 768

H. 728—Edington

AN ACT

To amend Act No. 168 (H. 270) Special Session of 1966 relating to the Alabama Historical Commission by increasing the Commission membership from eleven to fifteen persons.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 13 of Act No. 168, Special Session of 1966 (Acts of Alabama, Special Session 1966, p. 190) to read as follows:

"Section 13. The Commission shall consist of fifteen (15) members; one of whom shall be the Governor; one of whom shall be the Director of the Department of Archives and History; one of whom shall be the Director of the State Department of Publicity and Information; one of whom shall be the Chief of the Division of State Parks of the Department of Conservation; one of whom shall be the Director of the State Building Commission; and ten (10) other persons to be appointed by the Governor; one of whom shall be selected from a list of three (3) nominees submitted by the Alabama Council of the American Institute of Architects; one from a list of three (3) nominees submitted by the Alabama Historical Association; one from a list of three (3) nominees submitted by the Alabama State Chamber of Commerce, one from a list of three (3) nominees submitted by the President of the University of Alabama; one from a list of three (3) nominees submitted by the President of Auburn University; one from a list of three (3) nominees submitted by the President of the University of South Alabama; one from a list of three (3) qualified archaeologists nominated by the Alabama Archaeological Society; and three (3) from the State at large. Said nominees and appointees shall be persons who have demonstrated interest in and concern about the preservation of this State's rich history and traditions, and who are conversant with the history of the State and who are

qualified to direct and supervise the work of the Commission. The members appointed by the Governor shall serve for terms of six (6) years each, except that the term of the members of the first Commission shall be three (3) years for one-half (1½) of the members appointed by the Governor and six (6) years for the remaining members. After the expiration of the term of the initial members all members appointed by the Governor shall be appointed for terms of six (6) years each. Any member of the Commission may be removed by the Governor for cause, and vacancies in the Commission shall be filled by the Governor by the appointment of a competent and qualified person for the unexpired term, from a list of three (3) nominees submitted to him by the organization which originally nominated the member being replaced."

Section 2. Amend Section 15 of said Act to read as follows:

"Section 15. The Commission shall hold an annual meeting at the Capitol Building in Montgomery and eight (8) members of the Commission shall constitute a quorum for the transaction of business. Additional meetings will be held at such times and places within the State of Alabama as may be considered necessary, desirable or convenient, upon call of the chairman, or in the case of his absence or incapacity, of the vice-chairman. However, by four-fifths (4/5th) vote of the Commission, such meetings may be held outside the State of Alabama. The Commission shall determine and establish its own organization and procedures in accordance with the provisions of this Act and the general law. The Commission shall elect a chairman, a vice-chairman, a secretary and a treasurer, and such officers shall hold office for a period of one year and until successors are elected.

Section 3. Amend Section 16 of said Act by adding the following paragraph at the end thereof: "There may further be added to the Advisory Board by the Commission such other civic, charitable and patriotic organizations as it may from time to time deem to be to the best interest of the Commission."

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:37 P.M.

Act No. 769

H. 749—Waggoner, Kilgore, Weeks, Stubbs,
Shumate, Starnes, Wood, Ellis,
Hill, Holladay

AN ACT

To prohibit the discharge of litter and sewage and certain other materials from a watercraft into the waters of this State; to prohibit discharge of untreated sewage from marine toilets; to require treatment of sewage discharged by marine toilets; to authorize the State Board of Health to adopt rules and regulations for discharge of sewage and litter from watercraft, including requirements for permits to restrict manufacturers of marine toilets and devices to comply with regulations; to authorize revocation of certification of watercraft after certain convictions; to require litter or trash receptacles for marinas; to provide for enforcement by the Board of Health and Department of Conservation; to prescribe the method of prosecution and penalties for violation of this Act and rules and regulations; to require fines to be paid into the General Fund and to provide for expenditures of funds for carrying out this Act from Federal Funds or other funds available to the Board of Health or state.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS: For purposes of this Act, unless the context clearly requires a different meaning:

(a) The term "watercraft" means any vessel or contrivance used or capable of being used for navigation or flotation upon water whether or not capable of self-propulsion, except passenger or cargo-carrying vessel which are subject to and are adequately controlled in the opinion of the State Board of Health in respect to discharge of sewage and litter, by a Department or Agency of the Federal Government.

(b) The term "sewage" means all human body wastes.

(c) The term "litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discharged as no longer useful or useable.

(d) The term "marine toilet" means any toilet or device, including plastic or other kinds of bags or containers, on or within any watercraft for the purpose of discharging sewage.

(e) The term "waters of this State" means all of the waters within this State on which watercraft are used or operated.

(f) The term "person" means an individual, partnership, firm, corporation, association, or other entity.

Section 2. LITTERING OR POLLUTION WATER-RESTRICTIONS

No person shall place, throw, deposit, or discharge, or cause to be placed, thrown, deposited, or discharged into the waters of this State from watercraft any litter, sewage, or other

materials from watercraft, which render the water unsightly, noxious or otherwise unwholesome so as to be detrimental to the public health or likely to be detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes.

Section 3. MARINE TOILETS—RESTRICTIONS

(a) No marine toilet on any watercraft used or operated upon waters of this State shall be operated so as to discharge any untreated sewage into said waters directly or indirectly.

(b) No person owning or operating a watercraft, manufactured subsequent to the passage of this Act, with a marine toilet, shall use, or permit the use of, such toilet on the waters of this State, unless the toilet is equipped with facilities that will adequately treat, hold, incinerate or otherwise handle sewage in a manner that is capable of preventing water pollution in accordance with rules and regulations adopted pursuant to this Act.

(c) No container of sewage shall be placed, left, discharged or cause to be placed, left or discharged in or near any waters of this State by any person at any time.

Section 4. MARINE TOILETS—POLLUTION CONTROL DEVICES

After the effective date of this Act the Board of Health is authorized and directed to adopt rules and regulations or orders designed to control and regulate the discharge of sewage and litter from watercraft into the waters of this State. When said rules, regulations or orders are approved by the Director of Conservation said rules, regulations or orders may then become effective. If said Director fails to approve any rule, regulation or order within thirty days after adoption by the Board of Health said rule, regulation or order shall be submitted to the Governor and if approved by the Governor may become effective.

Section 5. RULES AND REGULATIONS

The rules and regulations or orders of the State Board of Health shall provide the method by which such control and regulations shall be effected, including a requirement for permits and such other means as may be deemed effective; and shall specify the places or areas within which such regulations, rules or orders are effective; and such regulation may include reasonable exemptions; and said regulations may require that any equipment or device designed to be used for receiving or discharging such sewage, meet and maintain certain specifications and requirements of standards. All rules and regulations or

orders adopted and effective under the provisions of this act pertaining to marine toilets-standards will be compatible with Federal standards for the sake of uniformity.

Section 6. MARINE TOILETS—STANDARDS FOR MANUFACTURERS OF POLLUTION CONTROL DEVICES

Every manufacturer of a marine toilet or other device for disposing of sewage shall certify to the State Board of Health in writing that his product meets the standards set forth in this Act and the rules and regulations or orders adopted and effective under the provisions of this Act. Every such certified statement shall be accompanied by a test report showing that the product meets the prescribed standards. It shall be unlawful for any manufacturer to deliver or to cause to be delivered in this State any marine toilet or other device for disposing of sewage, intending that said toilet or device be used to discharge sewage in the waters of this State that has not been so certified and approved by the State Board of Health.

Section 7. ON-SHORE TRASH RECEPTACLES

The owner or whoever is lawfully vested with the possession, management and control of a marina or other waterside facility used by watercraft for launching, docking, mooring and related purposes shall be required to have trash receptacles or similar devices designed for the depositing of trash and refuse at locations where they can be conveniently used by watercraft occupants, and such trash and refuse shall be disposed of in accordance with rules, regulations adopted hereunder.

Section 8. EDUCATION

The Board of Health is hereby authorized to undertake and to enlist the support and cooperation of all agencies, political subdivisions, and organizations in the conduct of a public education program designed to inform the public of the undesirability of depositing sewage, trash, litter, and other materials in the waters of this State and of the penalties provided by this Act for such action, and use funds provided by the Legislature for this purpose. The State Board of Health is further authorized to utilize all means of communication in the conduct of this program.

Section 9. ENFORCEMENT, PROSECUTION, PENALTIES

The provisions of this Act and rules, regulations and orders adopted hereunder shall be enforced by the State Board of Health and the State Department of Conservation according to rules and regulations hereunder adopted.

Any person may complain under oath to a magistrate, district attorney or grand jury concerning a violation of the provisions of this Act or of a rule and regulation promulgated thereunder and if a warrant is issued by said magistrate or district attorney, or indictment returned by a grand jury, said charge shall be tried in court to which said warrant is returnable, and said warrant may be made returnable to a justice of the peace, court or to the county court or to an inferior court having territorial jurisdiction thereof and said courts shall have original and concurrent jurisdiction of said offense, or if an indictment is returned the circuit court shall have jurisdiction of said offense. In such cases convicted defendants may appeal as now provided by law. Whether criminal proceedings have been commenced or not the State Health Officer is authorized to file an action or suit in the circuit court against the owner, operator, or person in charge of any vessel or watercraft to compel compliance with the provisions of this Act or the rules and regulations promulgated thereunder and said circuit court shall have jurisdiction of said cause.

Any individual who discharges from any watercraft any sewage or litter into the waters of this State or any owner or operator of any watercraft who knowingly allows or permits such discharge in violation of any provision of this Act, or without a permit from the State Board of Health, when such permit is required, or if any person shall violate any rule, regulation, or order promulgated under this Act, such person shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than \$10 nor more than one thousand dollars, or by imprisonment at hard labor in the county jail for not over twelve months, or by both such fine and imprisonment; and each such discharge of sewage or litter shall constitute a separate offense.

Section 10. LOCAL REGULATIONS OR CONFLICTS

This Act and rules and regulations and orders hereunder shall be applicable in the entire State unless such rule, regulation or order is by its own terms restricted. Other regulations, ordinances or other laws when not in conflict with this Act or rules, regulations or orders adopted hereunder may be enforced by agencies responsible for such enforcement, whether said regulations, ordinances, or other laws are more, or less restrictive on disposal of sewage or litter, but when in conflict, this Act and the rules, regulations or orders adopted hereunder shall supersede and be applicable if said other regulations, ordinances or other laws are less restrictive than this Act, rules, regulations, or orders adopted hereunder.

Section 11. FINES

All fines paid or collected hereunder shall be paid into the General Fund of the State.

Section 12. APPROPRIATION

The Board of Health may expend out of any funds made available to it or to the State of Alabama by the Federal Government or other agencies such funds as may be necessary and which are available for such purposes for carrying out the provisions of this Act.

Section 13. EFFECTIVE DATE

This Act shall become a law upon its passage and approval by the Governor or its otherwise becoming a law and also upon the adoption of rules or regulations or orders herein provided which may designate an effective date not to exceed one year from the approval of this Act by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:38 P.M.

Act No. 770

H. 755—McDonald, Drake, Starnes

AN ACT

To make an appropriation from the state treasury to the use of the State Department of Education in matching funds provided by the Daughters of the American Revolution for capital outlay purposes at the Kate Duncan Smith School at Grant, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$150,000, or so much thereof as may be necessary as herein provided, is hereby appropriated from the Alabama Special Educational Trust Fund in the state treasury, to the use of the State Department of Education in matching funds provided by the Daughters of the American Revolution to be used for capital outlays and capital improvements at the Kate Duncan Smith School at Grant, in Marshall County, Alabama. All buildings and other facilities for which the appropriation herein made, or any part thereof, is expended shall be constructed under the supervision of the State Department of Education and shall conform to standards and specifications of the State Department of Education. No part of the appropriation herein made shall be used or expended until funds provided by the Daughters of the American Revolution, to match state funds, on a dollar for dollar basis, are available for use. The appropriation herein made may, however, with the approval of the Governor, all be released in one fiscal year or may be released

in part during the fiscal year beginning October 1, 1969 and in part during the fiscal year beginning October 1, 1970. No part of the sum hereby appropriated shall lapse at the end of the fiscal year ending September 30, 1970; but any part of such fund that has not been used or encumbered on or prior to September 30, 1970 shall revert to the Alabama Special Educational Trust Fund.

The appropriation made herein is conditional upon the condition of the Alabama Special Educational Trust Fund, as ascertained by the Governor, and shall be released only upon orders of the Governor.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall take effect October 1, 1969.

Approved September 12, 1969.

Time: 4:39 P.M.

Act No. 771

H. 796—Pennington, McLain, Jones, Culver

AN ACT

To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions and industry, and to authorize counties and municipalities to provide for collection and disposal of solid wastes and charge a fee therefor, and to contract for such services to be performed by others, and to permit the formation of districts or areas beyond corporate limits, or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act or rules and regulations pursuant thereto, in the interest of the public health, comfort and safety.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS as used in this Act:

(a) *Title:* This Act shall be known as the "Solid Wastes Disposal Act", cited hereinafter as the "Act."

(b) *Solid Wastes:* All putrescible and non-putrescible discarded materials (except household sewage and livestock and poultry wastes) including but not limited to garbage, rubbish,

ashes, street and highway cleanings, dead animals including offal, abandoned automobiles, and such industrial wastes as are not controlled by other agencies.

(c) *Garbage*: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products, and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

(d) *Ashes*: The solid residue from burning of wood, coal, coke, or other combustible material used for heating, or from incineration of solid wastes, but excepting solid residue the storage or disposition of which is controlled by other agencies.

(e) *Rubbish*: Non-putrescible solid wastes (excluding ashes) consisting of both combustible and non-combustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials. Non-combustible rubbish includes glass, crockery, metal cans, metal furniture and like materials which will not burn at ordinary incinerator temperatures (not less than 1600 degrees F).

(f) *Open Dump* shall mean any officially recognized place, land, or building which serves as a final depository for solid wastes, whether or not burned or buried, which does not meet the minimum requirements for a sanitary landfill, except approved incinerators, compost plants, and salvage yards.

(g) *Unauthorized Dump* shall mean any collection of solid wastes either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used, and not under the control and supervision of any person or agency. An abandoned automobile, large appliance, or similar large item of solid waste shall be considered as forming an unauthorized dump within the meaning of this Act, but not the careless littering of smaller individual items as tires, bottles, cans, and the like. An unauthorized dump shall also mean any solid waste disposal site which does not meet the regulatory provisions of this Act.

(h) *Sanitary Landfill* shall mean a controlled area of land upon which solid waste is deposited, and is compacted and covered with compacted earth each day as deposited, with no on-site burning of wastes, and so located, contoured and drained that it will not constitute a source of water pollution as determined by the Alabama Water Improvement Commission.

(i) *Landfill* shall mean a method of compaction and earth cover of solid wastes other than those containing garbage or other putrescible wastes including but not limited to tree limbs and stumps, demolition materials, incinerator residues, and like materials not constituting a health or nuisance hazard, where cover need not be applied on a per day used basis.

(j) *Hazardous Wastes* shall include but not be limited to wastes resulting from the manufacture or use of pesticides and drugs (other than normal household use), pathological wastes, explosives, radioactive materials, and like dangerous or toxic materials that should not be handled in the manner prescribed for normal wastes.

(k) *Incinerator* shall mean a device designed to burn that portion of garbage and rubbish which will be consumed at temperatures generally ranging 1600 degree F or over. The unburned residue from an incinerator, including metal, glass and the like shall be called ashes.

(l) *Composting or Compost Plant* shall mean an officially controlled method or operation whereby putrescible solid wastes are broken down through microbic action to a material offering no hazard or nuisance factors to public health or well being.

(m) *Health Department* shall mean an approved County or District health department, including the Alabama State Department of Public Health and the affected State and County Boards of Health. Health officer shall mean the State or affected County Health Officer or his designee.

(n) *Agency* shall mean any controlling agency, public or private, elected, appointed or volunteer utilizing methods approved by the Health Department for the purpose of controlling and supervising the collection and/or disposal of solid wastes.

Section 2. PROVISIONS

(a) *General:* The county governing body or municipal governing body may, and is hereby authorized to, make available to the general public collection and disposal facilities for solid wastes. The county or municipal governing body may provide such collection or disposal services by contract with private or other controlling agencies, and may include house-to-house service, or the placement of regularly serviced and controlled bulk refuse receptacles within reasonable (generally less than eight miles) distance from the farthest affected household and the wastes disposed of in a manner acceptable to the Health Department and within the meaning of this Act.

(b) *Garbage Disposal:* Garbage and rubbish containing garbage shall be disposed of by sanitary landfill, approved in-

cineration, composting, or by other means now available or which may later become available as approved by the Health Department and under the supervision and control of a governmental, private, or other agency acting within the provisions of this Act.

(c) *Burning*: No garbage, or rubbish containing garbage or other putrescible materials, or hazardous wastes shall be burned, except in approved incinerators meeting the necessary temperature requirements and air pollution controls as now established or may later be established. The open burning of rubbish shall be permitted only under sharply controlled circumstances where sanitary landfill, or landfill is not feasible, and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the controlling agency.

(d) *Haulage*: Trucks or other vehicles engaged in the business of hauling garbage and rubbish shall be so covered, secured or sealed that there will be no loss during haulage to cause littering of streets and highways, or cause a nuisance or hazard to the public health.

(e) *Exemption*: A household, business, industry or any property owner may store, haul and dispose of his own solid wastes on his own land or otherwise, provided such storage, haulage or disposal does not create a public nuisance or hazard to the public health.

Section 3. SPECIAL CONSIDERATIONS

(a) *Hazardous Wastes*: Hazardous wastes shall not be handled or disposed of along with or in the same site as ordinary wastes. These shall be disposed of by special incinerators, separate landfills, or other means dictated by the particularities of the hazardous waste involved as determined by the Health Department or other responsible agency.

(b) *Unauthorized Dumps*: The formation of unauthorized dumps is hereby declared to be a public nuisance per se, menacing public health and unlawful, and shall be abated by authority granted under Title 22, Sections 75 and 76 of the Code of Alabama, 1940, and such existing dumps shall be eliminated by removal or on-site burial within the feasible time limitations as specified under Section 4 of this Act.

(c) *Vector Controls*: Rodents and insects of public health importance, as rats, flies, mosquitoes, and the like shall be controlled in a manner satisfactory to the Health Department, and the closing out, or conversion to sanitary landfill operations of existing open dumps shall, where deemed necessary by the Health

Officer, be accompanied by an adequate rat eradication program to prevent the spread of rodents to nearby properties.

Section 4. ACCOMPLISHMENT

The accomplishment of solid waste management practices, within the meaning of this Act, shall be within a period of not more than two years following the signing of this Act into law, or such lesser time as may be determined to be in the public interest by the Health Department. Where the affected governing bodies can demonstrate to the satisfaction of the Health Department that compliance to the two year limitations is economically infeasible, the controlling agency may petition for a yearly extension, but this shall not preclude the possibility of nuisance or public hazard suits brought on by individuals or other entities.

Section 5. ENABLING

(a) The county governing body or municipality undertaking the responsibility for providing services to the public under this Act may establish fees, charges and rates, and may collect and disburse funds within cooperating areas or districts, inside or outside the corporate limits of municipalities or inside or outside of county boundaries, for the specific purpose of administering this Act and providing and operating a solid waste program. Also said county governing body or public authority may enter into mutual agreements or contracts with the governing bodies of other counties, municipalities, corporations, or individuals, where deemed to be mutually economical and feasible, to jointly or individually collect, haul and/or dispose of solid wastes generated within the cooperating area. All contracts or mutual agreements under this Act shall be subject to review by the Health Officer and all such contracts and agreements shall be subject to cancellation upon thirty days notice from said Health Officer any time said contracts or agreements fail to be in the best interest of the health, safety and welfare of the citizens residing in the affected area.

(b) *Private or Corporate Agencies:* Individuals, corporations, partnerships or other agencies engaging in the collection and disposal of solid wastes are subject to this Act. Governing bodies may assign territories, approve or disapprove disposal sites (with the concurrence of the Health Department), and shall establish and collect annual license fees from such firms and set rate schedules if a service fee is charged.

(c) *Licensing:* Under Section 5 (b) no license shall be granted or fee collected without a permit issued by the state or county health department renewable annually at the time licenses are due. Permit shall be based upon performance and

may be revoked for cause, including failure to perform under the provisions of this Act and regulations adopted under authority of this Act. No license shall be granted without the posting of a performance bond satisfactory to the governing body.

Section 6. ENFORCEMENT

The Health Department shall exercise such supervision over equipment, methodology and personnel in the management of solid wastes as may be necessary to enforce sanitary requirements, and the State and County Boards of Health may adopt such rules and regulations as may be needed to specify methodology and procedures to meet the requirements of this Act. Any person violating the provisions of this Act or rule or regulation made pursuant to this Act shall be guilty of a misdemeanor and punishable as provided in Title 22, Sections 103 and 104, Code of Alabama, 1940.

Section 7. SEVERABILITY

Should any section, paragraph or other part of this Act be declared invalid for any reason, the remainder of the Act shall not be affected.

Approved September 12, 1969.

Time: 4:40 P.M.

Act No. 772

H. 803—Bassett, Hardin

AN ACT

To provide a state scholarship program to promote the education of nurses at the School of Nursing, Troy State University; and making an appropriation therefore.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be awarded for the fiscal year ending September 30, 1970, twenty (20) scholarships to the School of Nursing of Troy State University, and for the fiscal year ending September 30, 1971, thirty (30) scholarships to said school, for nursing education. These scholarships shall be awarded to applicants from the State-at-Large. They shall be distributed, insofar as practicable, throughout the state.

Section 2. To be eligible to receive a scholarship provided by this act, a person must have been a resident of the State of Alabama for a period of at least one year immediately preceding the time of making application, must be a person of good character, and shall have been accepted for matriculation by the authorities of Troy State University, and shall have met the requirements for professional nursing education as deter-

mined by the School of Nursing of Troy State University. Applications for scholarships shall be made to the School of Nursing of Troy State University.

Section 3. Each scholarship provided for by this act shall be in the amount of Six Hundred (\$600.00) dollars per year, payable from funds appropriated to the School of Nursing of Troy State University for this purpose. A scholarship may either be renewed by the said school of nursing for the same student or awarded to another applicant for the scholarship. Appropriate competitive examinations of aptitude and ability shall be administered to the applicants by the School of Nursing of Troy State University. The results of the examinations shall be used as guides in the selection of the recipients of the scholarships from the various geographical areas of the state. In case a scholarship student fails to complete the course prescribed for the Baccalaureate degree in Nursing, that student must repay the amount of scholarship funds used. Any funds thus collected may be used as scholarship assistance for another nursing student. A scholarship student must agree to practice professional nursing in the State of Alabama for at least one year after completing the course at the School of Nursing of Troy State University.

Section 4. There is hereby appropriated for the fiscal year ending September 30, 1970, \$12,000.00 and for the fiscal year ending September 30, 1971, \$18,000.00, to the School of Nursing of Troy State University, out of any funds in the state treasury to the credit of the Alabama Special Education Trust Fund, not otherwise appropriated, to be used solely for paying scholarships provided for by this act. Any funds remaining unexpended from the appropriation on September 30, 1970, shall not revert or lapse but shall be available for expenditure during the fiscal year ending September 30, 1971; provided, however, any funds remaining unexpended from the appropriation for either year shall revert on September 30, 1971, to the funds from which the appropriation is made. The appropriations provided for in this section are in addition to any appropriations heretofore made to Troy State University for the said fiscal years.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:41 P.M.

To authorize every public corporation heretofore or hereafter organized or created in this state pursuant to authorization or determination by a municipality or by its governing body, which public corporation now or hereafter owns a water system or systems, and any municipality in this state in which any part of such water system or systems is situated, without an election, and with or without consideration, to transfer and convey such system or systems and all right, title and interest therein, including without limitation all reversionary, residuary or remainder rights provided by law, to any other public corporation whose certificate of incorporation was filed in the office of the Probate Judge of the same county in which was filed the certificate of incorporation of the public corporation proposing to make the transfer and conveyance or in the office of the Probate Judge of an adjacent county; to require the public corporation proposing to make such transfer and conveyance to make provision for the payment and retirement of any bonds, mortgages, indentures, resolutions or other obligations including revenue bonds or other securities payable from or secured by a pledge of the revenues or earnings of or constituting a lien upon the water system or systems proposed to be transferred and conveyed or to require the assumption thereof by the transferee public corporation; to authorize each public corporation and municipality to enter into any agreements and to execute any instruments which their respective governing bodies may deem necessary or appropriate in order to carry out the provisions of the Act; to provide for the publication and posting of a notice of the proceedings taken or to be taken under the Act; to limit the time within which any proceedings may be commenced in any Court with respect to the matters referred to in said notice; to provide that the provisions of this Act shall be cumulative; to provide that all matters authorized in the Act shall be exempt from all jurisdiction of and regulation by the Alabama Public Service Commission and by any other regulatory body; to provide for the severability of the provisions of this Act; and to provide the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Every public corporation heretofore or hereafter organized or created in this State pursuant to authorization or determination by a municipality or its governing body, which public corporation now or hereafter owns a water system or systems, and any municipality in this State in which any part of such water system or systems is situated, are each hereby authorized, without the necessity of an election of qualified voters of any such municipality or of any other approval or proceeding other than those specifically prescribed in this Act, to transfer and convey such system or systems and all right, title and interest therein, including without limitation, all reversionary, residuary or remainder rights provided by law, to any other public corporation the certificate of incorporation of which was filed in the office of the Probate Judge of the same county in which was filed the certificate of incorporation of the public corporation proposing to make such transfer and conveyance or in the office of the Probate Judge of an adjacent county. Any such transfer and conveyance may be made with or without pecuniary consideration and on such terms and conditions as the governing body of such municipality and the board of directors or other governing body of the public cor-

poration making the transfer and conveyance may determine. Any such transfer and conveyance shall be made only upon the adoption by the governing body of each municipality in which is situated any part of the water system or systems proposed to be transferred and conveyed, and by the board of directors or other governing body of the public corporation proposing to make such transfer and conveyance, of appropriate resolutions authorizing such transfer and conveyance. Such resolution of the board of directors or other governing body of the public corporation shall set forth its finding and determination that the public corporation to which the transfer is to be made is one to which a transfer and conveyance can properly be made under the provisions of this Act.

Section 2. If there are outstanding any bonds, mortgages, indentures, resolutions or other obligations, including revenue bonds or other securities, payable from or secured by a pledge of the revenues or earnings of or constituting a lien upon the water system or systems proposed to be transferred and conveyed under the provisions of this Act, the public corporation proposing to make such transfer and conveyance

(a) shall make provision for the assumption by the transferee public corporation of the due and prompt payment of the principal of and interest on such bonds or other obligations and the due and prompt performance of all other agreements and conditions in the manner authorized by such outstanding bonds, mortgages, indentures, resolutions or other obligations, or

(b) in the absence of any such authorization, or, at the election of the transferor and transferee public corporations, shall make provision for the payment thereof satisfactory to any one or more banks or trust companies named as trustee, or serving as such trustee under such mortgage, indenture, or resolution, or if there is no such trustee, to the bank or trust company serving as paying agent of such bonds or other securities, by establishing with such bank or trust company, as trustee, an irrevocable trust fund consisting of cash or interest-bearing general obligations of the United States of America, or both, to provide for the payment and retirement of all such bonds and other securities and the interest thereon.

Section 3. Each public corporation and municipality herein referred to is hereby further authorized to enter into any agreements and to execute any instruments which their respective governing bodies may deem necessary or appropriate in order to effectuate the provisions of this Act.

Section 4. After the adoption of proceedings providing for the transfer and conveyance of any water system or systems,

the public corporation and municipality or municipalities proposing to make such transfer and conveyance shall cause to be published once a week for two successive weeks in a newspaper having general circulation within the limits of such municipality or municipalities a notice in substantially the following form (the blanks being first properly filled in) with the names of the public corporation and the municipality or municipalities appended thereto:

"A resolution has been adopted by the board of directors of the (herein insert the name of the public corporation proposing to make the transfer) and a resolution (or resolutions) has (or have) been adopted by the governing body (or bodies) of (herein insert the name or names of the municipality or municipalities proposing to make the transfer) pursuant to the provisions of Act No. enacted at the 1969 Regular Session of the Legislature of Alabama, authorizing the transfer and conveyance of the water system (or systems) owned by such public corporation and situated in whole or in part in such municipality (or municipalities)."

If the transferee public corporation is to assume the due and prompt payment of the principal and interest on such bonds or other obligations and the due and prompt performance of all other agreements and conditions in the manner authorized by such outstanding bonds, mortgages, indentures, resolutions or other obligations, the notice shall contain the following:

"..... (herein insert the name of the transferee public corporation) has agreed to assume (herein insert a brief description of the obligations assumed)."

If a trust agreement or agreements have been established, the notice shall contain the following:

"A trust agreement has been established with (herein insert the name of the bank) consisting of cash or interest-bearing general obligations of the United States of America, or both, to provide for the payment and retirement of (herein insert a brief description of the bonds or other securities referred to in Section 2 of this Act. If there is more than one such issue also add a brief description of each trust established therefor)."

In addition, the notice shall contain the following:

"Any action or proceeding questioning the validity of the said resolutions or the proposed transfer and conveyance or (herein insert the assumption of

obligations or the trust agreement or agreements, whichever is applicable) must be commenced within thirty (30) days after the first publication of this notice."

Such notice shall also be published by posting copies thereof at three public places within the limits of such municipality. Such public corporation, municipality or municipalities shall also cause each trustee or paying agent, as the case may be, to mail a copy of the said notice, postage prepaid, to each owner or holder of any of the bonds or other securities referred to in the said notice, the names and addresses of which are known to such trustee or paying agent. Any action or proceeding in any court to set aside the authorizing proceedings or to restrain the proposed transfer and conveyance or the assumption of obligations, if any, or the execution of the proposed trust agreement or agreements, if any, or to obtain any other relief with respect to any thereof, upon any ground must be commenced within thirty (30) days after the first publication of such notice in a newspaper as provided herein. After the expiration of such period of limitation, no right of action or defense founded upon the invalidity of the authorizing proceedings shall be asserted nor shall the validity of the said transfer and conveyance or of the assumption of obligations, if any, or of the said trust agreement or agreements, if any, or the said authorizing proceedings be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period.

Section 5. Nothing contained in this Act shall be construed to authorize any public corporation or municipality to convey any water system in such manner that title thereto may vest in private ownership; provided that title to such system may be subjected to a mortgage, deed of trust or pledge agreement as security for repayment of money borrowed by the public corporation to which the same is transferred.

Section 6. Nothing contained in this Act shall be construed as a restriction or limitation upon any authority which any public corporation or municipality now existing or hereafter formed may have in the absence thereof, but this Act shall be construed to be supplemental and additional to authority conferred by other laws. No proceedings, notices or approval shall be required, except as herein expressly prescribed, any other law to the contrary notwithstanding. All matters herein authorized shall be exempt from all jurisdiction of and regulation by the Alabama Public Service Commission and by any other regulatory body.

Section 7. In the event that any section, sentence, clause or provision of this Act shall be held or declared invalid by any

court of competent jurisdiction, such adjudication shall not affect the remaining sections, sentences, clauses and provisions of this Act, but it is the legislative intention in passing this Act that such remaining sections, sentences, clauses and provisions shall nevertheless stand and continue effective.

Section 8. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:42 P.M.

Act No. 774

H. 816—Marr

AN ACT

To provide further for the admission of the mentally retarded to certain state hospitals and facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases whenever used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

(a) "Board" means Alabama mental health board.

(b) "Institution" means any State owned or State operated hospital, school, or institution for the diagnosis, care, treatment, training, detention, or rehabilitation of the mentally retarded individuals.

(c) "Superintendent" means the chief administrative officer of any institution or the designated deputy, agent, or representative of the superintendent and shall include his successor or successors.

(d) "Physician" means a doctor of medicine licensed to practice in this State.

Section 2. Authority to receive mentally retarded individuals on a voluntary admission; who may apply. The superintendent may receive for observation and diagnosis any resident of Alabama for whom application is made by his father, mother, or guardian or, when neither parent nor the guardian is available and capable, by an adult next of kin, supplying such data as the superintendent may require, and, if found to be a mentally retarded individual, such individual may be admitted to the institution for care, treatment, training, and rehabilitation for

such period and under such conditions as may be authorized by law. Should the institution at any time not be able to accommodate all who should be admitted thereto under this Section, preference in admission shall be given to children and women of child bearing age.

Section 3. Discharge of mentally retarded individuals admitted voluntarily. The superintendent of any institution shall discharge any mentally retarded individual admitted voluntarily whose institutionalization, care, training, and treatment he deems to be no longer advisable. He may also discharge any mentally retarded individual admitted voluntarily if to do so would, in his judgment, contribute to the most effective use of the institution in the institutionalization, care, training, and treatment of mentally retarded individuals; provided, however, that in no event shall any such individual be discharged if in the judgment of the superintendent of such institution such discharge would be harmful to the mentally retarded individual or others.

Section 4. Right of mentally retarded individual on voluntary admission to discharge on application. A mentally retarded individual admitted voluntarily whose discharge is requested in writing by his parent, guardian, or adult next of kin who signed the application shall be discharged within fifteen days of receipt of such written request by the superintendent, except, if in the superintendent's opinion, the discharge of the individual would be unsafe, he shall file with the probate court of the individual's residence, a certificate stating that in his opinion the discharge of the mentally retarded individual would be unsafe for the individual and others and setting forth the facts upon which such opinion is based, a copy being sent by registered mail to the individual's parent, legal guardian, or adult next of kin. Such certification shall be deemed to be a certificate of a physician and an application for an involuntary order to the care of the said individual as provided for in Section 6 hereof, and proceedings shall be had thereon as provided in said Section 6. The individual shall remain at the same institution as designated by the probate judge pending disposition of the proceeding.

Section 5. Reception of mentally retarded individuals on court order. The board may receive any mentally retarded individual who is a resident of Alabama on court order pursuant to the provisions of Section 6 hereof or on court order of any juvenile court or probate court of this state as provided for by law; provided, however, that the board has advised the court that adequate facilities are available for said individual.

Section 6. Judicial procedure for order to care of Board.

(a) Upon the written application of any responsible person, on oath, stating that he believes a resident of Alabama to be a mentally retarded individual and in need of care, training, treatment, hospitalization, or rehabilitation and further believes that the father, mother, or guardian of said individual has failed to secure proper care, training, treatment, hospitalization, or rehabilitation for him, the probate court of the county in which the allegedly mentally retarded individual is found shall take jurisdiction.

(b) The probate court may at any time during the proceedings take the allegedly mentally retarded individual into custody if deemed necessary for the protection of said individual, and, the probate judge may appoint an attorney or guardian ad litem to serve on the examining committee for the protection of all legal rights of the retarded individual. An individual taken into custody pursuant to this sub-section or ordered to be hospitalized pursuant to sub-section (c) of this Section may be detained in any suitable home or any other suitable facility under such reasonable conditions as the court may prescribe.

(c) The probate judge shall appoint two physicians to examine said individual and report to the court their findings as to the mental condition of said individual and his need of being ordered to the care of the board. The judge of probate may issue subpoenas for witnesses to appear before the two physicians and, on their failure to appear, he may take the same steps to compel attendance as if the proceedings were before his court.

(d) The two physicians shall file their written report with the court within five days after their appointment. If said report is not unanimous to the effect that it finds the allegedly mentally retarded individual to be a mentally retarded individual and in need of being ordered to the care of the board, the probate judge shall, without taking further action, dismiss the application and terminate the proceedings.

(e) If the physicians' report is unanimous to the effect that it finds said individual to be a mentally retarded individual and in need of being ordered to the care of the board, and the board has advised the court that such individual can be accepted, the judge of probate shall enter an order directed to the board requiring it to receive said individual.

Section 7. Expenses of proceedings; how paid. The probate judge shall draw his warrant upon the treasurer of his county for such sum or sums as shall be actually necessary or requisite to defray the expenses of the proceeding provided for in Section 6 of this act and for conveying the mentally retarded individual from such county to the board. The sum to be paid

to the appointed physicians and attorney or guardian ad litem shall not exceed ten dollars and actual expenses. The total cost to be paid to the probate judge for such proceeding shall be the sum of twenty-five dollars. In the event the application is dismissed, the cost to be paid to the judge shall be ten dollars provided, however, that no money shall be drawn from the county treasury for the purposes herein set forth when the mentally retarded individual, his estate, or person or persons responsible or legally obligated for the support of such individual shall be able or sufficient to defray such expenses.

Section 8. Leave and discharge. The superintendent of any institution shall, as frequently as practicable, examine or cause to be examined, every individual in his institution and, whenever he determines any individual to be no longer in need of institutionalization, may discharge him, pursuant to the rules and regulations of the board, or whenever he determines that conditions are favorable to the continued rehabilitation of said individual may place him on leave for such time and under such conditions as the superintendent may prescribe.

Section 9. Transfer of mentally retarded individuals.

(a) The board may transfer or authorize the transfer of a mentally retarded individual from one institution for the mentally retarded to another institution for the mentally retarded if the board determines it would be consistent with the training, treatment, hospitalization, or rehabilitation needs of such individual to do so.

(b) On recommendation of the superintendent of any institution for the mentally retarded and with the approval of the court having jurisdiction of the case, the board may transfer any mentally retarded individual to any state owned and state operated psychiatric hospital or other psychiatric hospital subject to the supervision and administrative control of the board. The transfer shall be made upon the order of the board or its duly authorized agent or agents and without any additional formal court order.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:43 P.M.

Act No. 775 H. 820—Cook (Jeff.), Kilgore, Cherner, Ellis,
Sessions, Meeks, House, Gloor,
Jackson (T), Weeks, Watkins,
Yeilding, Waggoner

AN ACT

To further amend Act No. 661 of the 1951 Regular Session approved September 4, 1951 (1951 General Acts, Vol. 2, p. 1125) as amended by Act No. 17 of the Second Extra Session of the Legislature of 1956 approved March 16, 1956 (1956 General Acts, Vol. 1, p. 276), as amended by Act No. 680 of the 1961 Regular Session approved September 8, 1961 (1961 General Acts, Vol. 1, p. 961), which Act and amendments thereto define and regulate the issuance of licenses to barbers, barber shops, barber colleges and other like business and establishes a barber commission in all counties of the State having a population of 400,000 or more, according to the last or any subsequent federal census, and establishing an inspector, and granting powers to the barber commission to make rules and regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 661 of the 1951 Regular Session approved September 4, 1951 (1951 General Acts, Vol. 2, p. 1125), as amended by Act No. 17 of the Second Extra Session of the Legislature of 1956 approved March 16, 1956 (1956 General Acts, Vol. 1, p. 276), as further amended by Act No. 680 of the 1961 Regular Session, approved September 8, 1961 (1961 General Acts, Vol. 1, p. 961), which Act and the amendments thereto define and regulate the issuance of licenses to barbers, barber shops, barber colleges and other like business and establishes a barber commission in all counties of the State having a population of 400,000 persons or more, according to the last or any subsequent federal census, and establishing an inspector, and granting powers to the barber commission to make rules and regulations, be and the same hereby is amended to read as follows:

“Section 3. *BARBER COMMISSION:* There shall be a Barber Commission for the county consisting of three (3) members, herein at times referred to as “the Commission”. The present members of said Commission having been previously appointed by the County Commission, shall serve for the duration of their term, but in the event of a vacancy existing at the time of taking effect of this Act or occurring in the future, said vacancy shall be filled, and all subsequent members of the Commission shall be selected or appointed in the manner provided in this Act for terms of three (3) years. The members

of said Commission shall be nominated by the barbers licensed by the Commission and only those so licensed shall be eligible to vote for nominees for appointment to the Commission. The Commission, at all times, shall be composed of three (3) members, all of whom shall be licensed barbers, who have been so licensed by the Commission for a period of five (5) years prior to their appointment and be actively engaged as barbers at the time of their appointment. The Commission shall, sixty (60) days prior to the expiration of the term of any member of the Commission for such county, give notice in writing to the licensed barbers that there will be a vacancy on the date of the expiration of the term of the member whose term is about to expire; or if a vacancy be caused by any reason, other than the expiration of the term, the Commission shall, within thirty (30) days after such vacancy occurs, give notice to the licensed barbers of the existence of such vacancy. In either event, the licensed barbers will be requested to nominate two (2) licensed barbers to fill each vacancy. Nominations shall be made by petition signed by not less than twenty-five (25) licensed barbers, which said petitions may be in substantially the following form: "We, the undersigned licensed barbers do hereby nominate (insert name of person who is required to possess the qualifications herein provided at the time of such nomination for the barber vacancy) as a member of the County Barber Commission for the term of two (2) years beginning (insert beginning of term) and ending (insert ending of term), unless earlier terminated by death, resignation or removal." Each member of the Commission must be over the age of twenty-five (25) years and licensed by the Commission as a barber. All nominations are required to be filed with the Commission on or before twenty (20) days from the date fixed for mailing ballots for nomination of said members. Upon receipt of the nominations for the members and at the expiration of the time for filing such nominations, the Commission shall cause to be prepared official ballots which shall be numbered and identified in such manner as to prevent anyone employing any ballot other than that forwarded to the licensed barbers entitled to vote. Only those barbers licensed at the time the vacancy occurs shall be entitled to vote for representatives. In addition to the ballot, the Commission shall provide and furnish to the Probate Judge of the County sufficient envelopes addressed to the Probate Judge of the County and properly stamped with United States postage to forward to each person eligible to vote in said election. The Commission shall also furnish the Probate Judge of the County with such verification as may be deemed advisable by the Probate Judge, a list of the names and addresses of all persons entitled to vote in said election. The Probate Judge shall then mail the ballots and return envelopes which shall be opened

on a day designated by the Probate Judge in the notification to all persons eligible to participate in such election. On the day designated in the notification, the ballots shall be counted and tabulated by the Probate Judge of the County, who shall declare the two (2) persons receiving the highest and the second highest number of votes to be nominees for such vacancy. If more than one vacancy exists at any time, there shall be nominated in the manner herein designated and elected two (2) members for each such vacancy. The names of the two (2) persons receiving the highest number of votes for each vacancy shall be placed on a ballot and mailed by the Probate Judge with return envelopes to the licensed barbers entitled to vote. The voting procedure above set out shall be followed and upon receipt of the ballots the Probate Judge shall announce the name of the person who received the highest number of votes as elected to fill the vacancy on the Barbers Commission. The Governor of Alabama may remove a member of the Board upon proof of changes for inefficiency, incompetency, immorality, or professional misconduct. Any person elected to the Board shall within ten (10) days after their election take an oath or make affirmation before a properly qualified officer that they will faithfully and impartially perform the duties of their office. This oath or affirmation shall be filed with the Probate Judge of the county. The term of the members of said Commission shall be for two (2) years and until their successors are appointed and qualified. There shall be at no time more than two (2) commissioners residing or doing business in any one city, town or village of such county. A majority of the Commission shall constitute a quorum. The Barber Commission shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the commission shall receive as full compensation for each day actually spent in the work of said commission the sum of Twenty Dollars (\$20.00) and not exceeding Four Dollars (\$4.00) for expenses thereby incurred. The members of said commission shall be paid for their attendance for at least one barber commission meeting each week; and not more than two additional meetings in one calendar month if in attendance in Court on official commission business. The commission shall appoint, and at its pleasure may discharge a secretary. The county health officer of such county shall appoint and at his pleasure discharge inspectors. Such inspectors shall be practicing barbers who have had five (5) or more years of experience as a barber. They shall give their full time to their duties and as compensation therefor shall receive a salary to be fixed and paid by the Barber Commission. Neither the secretary nor inspectors shall be related by blood or marriage, to any other person employed

by the Commission or to the members of the Commission. Said Commission shall also have the power to employ any other necessary help for the enforcement of this law, outline their duties and fix their compensation subject to the general laws of this State. The Commission shall obtain such office space, furnishing, and other convenience as shall be reasonably necessary for carrying out the provisions of this Act.

The Barber Commission shall have the power and authority to establish and promulgate reasonable sanitary rules and reasonable regulations for the conduct of barbers, apprentice barbers, barber teachers, barber shops, barber schools, and scalp specialists. The Commission and the inspectors are authorized and directed to inspect all barber shops, barber schools and places of business of scalp specialists in the county, and for such purpose any member of the Commission or its duly authorized agent may enter upon the premises of such barber shops, barber schools and scalp specialists any time during business hours. A copy of the sanitary rules and other regulations adopted by said Commission shall be furnished to each licensed shop owner and barber and barber school doing business in the counties hereby affected. The inspectors shall be deputized by the Sheriff of the county and by each succeeding sheriff that shall be elected in the county. The inspectors shall make bond in the amount of Two Thousand Dollars (\$2,000.00) covering his acts as said inspector of the Barber Commission of the county. The sheriff of the county and members of the Barber Commission, shall not be liable for any of the acts of the inspectors. The bond premium shall be payable by the Barber Commission of the county out of the funds of the Barber Commission. The inspectors shall have the power and authority to arrest persons guilty of a violation of any of the provisions of this Act, or the health and sanitation laws of this State or of any municipality in the county hereby affected and also for a violation of the printed rules and regulations adopted by this Commission under authority of this Act. He is further authorized to take and preserve any evidence of such violations until final disposition of said cause. The principal office of said Commission shall be located at the county seat. The commission shall adopt a seal, with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. The Barber Commission shall make and keep on file in its office an annual report, which report shall summarize all the activities of the Commission relative to the examining and licensing of barbers, barber apprentices, barber teachers and scalp specialists and the sus-

pension or revocation of such licenses or refusal of issuance of license or renewal license and the issuance and revocation of licenses of barber shops, barber colleges and other like businesses, and shall also show all collections and all disbursements of funds collected pursuant to this Act. All records kept in the office of the Commission under the authority of this Act shall be open to public inspection at all reasonable times. All fees and charges collected by the Commission under the provisions of this Act shall be paid into the treasury of such county and shall constitute a separate fund to be disbursed by the county treasurer on order of the Barber Commission and with the approval of the chairman of such Commission. All expenses incurred by the Barber Commission, including the compensation of members and their employees and compensation and expense of inspectors, shall be paid by the county treasurer out of such separate funds upon checks signed by the chairman of said Barber Commission and countersigned by one other member of the Barber Commission, provided that the total expense for every purpose incurred shall not exceed the total fees and charges collected and paid into the county treasury by said Barber Commission and all monies in excess of One Thousand Dollars (\$1,000.00) remaining in said separate fund at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county."

Section 2. All laws and parts of laws in conflict with the provisions of this Act hereby are repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:44 P.M.

Act No. 776

H. 830—Stubbs

AN ACT

To alter, redefine and reduce the corporate limits of the Town of Vincent in Shelby County so as to exclude therefrom certain territory.

Be It Enacted by the Legislature of Alabama:

Section 1. The corporate limits of the Town of Vincent in Shelby County are hereby altered, redefined and reduced so as to exclude from the boundaries of said town the following described territory:

The East one-half of Section 24; the South one-half of the West one-half of Section 24; the North one-half of the West

one-half of Section 25; the East one-half of Section 26; and that portion of the East one-half of Section 35 which lies North of the present corporate boundary limits of the Town of Vincent; all being situated in Township 18 South, Range 2 East, Shelby County, Alabama.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed; and Act No. 104, H. 171, of the Special Session of 1967 (Acts 1967, p. 136) is hereby specifically repealed.

Section 3. This act shall become effective on the first day of the first month next following the date of its enactment.

Approved September 12, 1969.

Time 4:45 P.M.

Act No. 777

H. 841—Brannan, McCorquodale, Cherner

AN ACT

To fix the salary of the Chief Examiner and the Assistant Chief Examiner.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Chief Examiner of Public Accounts shall be fixed at any time by the Legislative Committee on Public Accounts at an amount not to exceed Nineteen Thousand Eight Hundred Dollars (\$19,800.00).

Section 2. The salary of the Assistant Chief Examiner shall be fixed by the Chief Examiner at an amount not to exceed One Thousand Dollars (\$1,000.00) less than the amount fixed by the Legislative Committee on Public Accounts as the salary for the Chief Examiner.

Section 3. The compensation for the Chief Examiner and the Assistant Chief Examiner shall be paid out of funds appropriated to the Department of Examiners of Public Accounts and in the same manner as salaries of other officers and employees are paid.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 5. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:46 P.M.

Act No. 778

H. 842—Brannan, McCorquodale, Cherner

AN ACT

To provide for assistant legal counsels for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chief Examiner of Public Accounts, with the approval of the Attorney General, shall be authorized, subject to the provisions of the State Merit System, to appoint not more than two assistant legal counsels for the Department of Examiners of Public Accounts. Each such assistant legal counsel shall be at least twenty-two years of age, of good character, and learned in the law. Each such assistant legal counsel shall be commissioned as an Assistant Attorney General and have the authority and duties of an Assistant Attorney General but he shall devote his entire time to the business of the Department of Examiners of Public Accounts and shall be subject to the supervision and control of the Legal Counsel of the Department of Examiners of Public Accounts.

Section 2. The compensation for the assistant legal counsels shall be paid out of the funds appropriated to the Department of Examiners of Public Accounts and in the same manner as the salaries of other employees are paid; provided however, that for the biennium ending September 30, 1969 and the biennium ending September 30, 1971 there is hereby appropriated from any funds in the State Treasury not otherwise appropriated such additional sum or sums as may be necessary to pay the salary of the department assistant legal counsels.

Section 3. The provisions of this act shall take effect immediately upon its passage and approval of the Governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:47 P.M.

Act No. 779

H. 847—Tuck

AN ACT

To provide for reimbursing the members of the county governing bodies of all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census for certain expenses incurred in travel outside their respective county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties in this state having populations of not less than 13,500 nor more than 14,200 according to the

most recent federal decennial census, each member of the board of revenue, court of county commissioners or like county governing body shall be entitled to be reimbursed for the actual amount of reasonable expenses incurred when travelling outside the county in connection with his official duties or in attending meetings of associations of county commissioners or like associations of county officials charged with duties similar to the duties of such county governing body. This expense allowance shall be in addition to any and all other compensation or allowances prescribed by law for the members of such governing body.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:48 P.M.

Act No. 780 H. 857—McCorquodale, Pruitt, Fite, Merrill, Hill, Manley, McDonald, Cameron, Holladay, Collins (W), Cook (Jefferson), House, Berryman (W), Cook (Coffee), Gloor, Agee, Snell, Harper, Garrett, Hardin, Lyons, Melton, Harris, Wood, Edington, Collins (C), Pennington

AN ACT

To amend Section 713 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions for the distribution of the net proceeds from the license taxes and registration fees therein referred to.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 713 of Title 51 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended so that the said section shall read in its entirety as follows:

§713. The moneys collected each month by the judge of probate from motor vehicle license taxes and registration fees, after deducting therefrom the amounts referred to in clauses (a) and (b) of section 712 of this title (the moneys remaining after making the said deductions being referred to in this section as "the net proceeds") shall be distributed as follows:

(a) Seventy-two percent of the net proceeds shall be distributed to the State of Alabama and shall be remitted by the judge of probate to the state treasurer;

(b) Twenty-one percent of the net proceeds shall be remitted by the judge of probate (1) to the municipality in which the owner of the motor vehicle resides or with respect to which it is registered as required by law, or (2) if the said owner does not reside in, or the motor vehicle is not required by law to be registered with respect to, an incorporated municipality, then to the county in which the license tax or registration fee with respect to the said motor vehicle is paid; and

(c) Seven percent of the net proceeds shall be remitted by the judge of probate to the state treasurer and shall be apportioned by the state treasurer among the several counties of the state in an amount for each county that bears the same relation to, and constitutes the same proportion of, the total of the said seven percent that the total number of motor vehicles registered in such county bears to the total number of motor vehicles registered in the entire state. The amounts so apportioned to each county shall be distributed by the state treasurer as follows: (1) ten per centum (10%) of the amount so apportioned to each county shall be distributed among the municipalities in the county with respect to which the apportionment is made, each such distribution to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and (2) the remaining portion of the amount so apportioned to each county shall be distributed to the county to which such apportionment is made.

Payments of the amounts herein provided to be distributed by the state treasurer to counties and municipalities shall be made quarterly by state warrant and shall be mailed, in the case of such distribution to a county, to the county treasurer (or other officer or entity having the functions of a county treasurer) of that county and, in the case of a distribution to a municipality, to the treasurer of that municipality.

Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall, until the effective date of the then next succeeding federal decennial census, be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of Section 13 of Title 37 of

the Code of Alabama of 1940. For the purposes of this section, each federal decennial census shall be deemed to be effective on the first day of October next following the publication of the results of such decennial census.

The amounts remitted to the State Treasurer pursuant to clause (b) of the said Section 712 and all moneys provided in this section to be distributed to the State of Alabama shall be covered into the treasury to the credit of the public road and bridge fund and disbursed as follows:

(A) The amounts appropriated by the legislature out of the motor vehicle license taxes and registration fees for payment of expenses of the department of revenue in the collection of the said taxes and fees, including salaries, cost of tags, and other costs of collection, shall be paid out of the portion of the said taxes and fees that is remitted to the State Treasurer pursuant to clause (b) of the said Section 712;

(B) So much of the net proceeds distributed to the State of Alabama pursuant to the provisions of this section as shall be necessary for such purpose shall be used for the following purposes in the following order: (i) payment at their respective maturities of the principal of and interest on bonds (other than refunding bonds) issued by Alabama Highway Authority under the provisions of Act No. 225 adopted at the 1967 Special Session of the Legislature; (ii) payment at their respective maturities of the principal of and interest on bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of an act adopted at the 1969 Regular Session of the Legislature; and (iii) payment at their respective maturities of the principal of and interest on any refunding bonds that may at any time be issued by the said Alabama Highway Authority under the provisions of either of the acts referred to in the foregoing clauses (i) and (ii) of this subparagraph (B), any payments under this clause (iii) with respect to such refunding bonds to be made in the order in which the resolutions authorizing such refunding bonds may be adopted; and

(C) The balance of the moneys referred to in subparagraphs (A) and (B) of this paragraph remaining after compliance with the said subparagraphs (A) and (B), respectively, shall be used by the State Highway Department for construction and maintenance of public roads and bridges in the state and for any other purpose for which moneys in the public road and bridge fund may be lawfully used.

All moneys received by a municipality or county under this section shall be used by such municipality or county exclusively

for the construction, improvement and maintenance of public highways or public streets, including administrative expenses in connection therewith and retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance.

Section 2. This act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:49 P.M.

Act No. 781

H. 858—McCorquodale, Pruitt, Fite, Merrill, McDonald, Cameron, Holladay, Collins (M), Manley, Hill, Cook, (Jeff.), House, Berryman (W), Cook (Coffee), Gloor, Agee, Snell, Harper, Garrett, Hardin, Lyons, Melton, Harris, Wood, Edington, Collins (C), Pennington

AN ACT

To make further provision for the financing and construction of public bridges in the state; to authorize Alabama Highway Authority to sell and issue from time to time not exceeding \$25,000,000 principal amount of bonds in addition to those heretofore authorized to be issued by said Authority; to provide for the details of said bonds, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued under this act shall not create an obligation or debt of the state and shall be limited obligations payable solely out of the revenues of the said Authority appropriated and pledged in this act; to provide that the said bonds may thereafter be refunded by the issuance of refunding bonds and that the limitation on the amount of the bonds issued by said Authority under this act shall not apply to refunding bonds issued under this act; to provide that said bonds and the income therefrom shall be exempt from taxation; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies; to provide that said bonds shall be lawful for the investment of fiduciary funds; to provide for the use of the proceeds of said bonds; to make appropriations and pledge funds necessary to pay the principal of and interest on said bonds; to authorize the said Authority to pledge for payment of the said principal and interest the moneys appropriated and pledged in this act for that purpose; to provide that any portion of this act that may be held invalid shall not affect the validity of any other portion hereof; and to specify the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Wherever used in this act the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

"Bonds" means those bonds issued under the provisions of this act.

"Corporation" means Alabama Highway Authority, a public corporation organized under the 1955 Act.

"Gasoline tax appropriation act" means Act No. 224 adopted at the 1967 Special Session of the Legislature of Alabama, as amended at the 1969 Regular Session of the said Legislature.

"Highway gasoline tax" shall be deemed to have the meaning given to that term as defined in the gasoline tax appropriation act.

"Net tax proceeds," when used with respect to the highway gasoline tax shall be deemed to have the meaning given to that term as defined in the gasoline tax appropriation act.

"1955 Act" means Act No. 43 adopted at the First Special Session of 1965 of the Legislature of Alabama.

"1959 Act" means Act No. 45 adopted at the First Special Session of 1959 of the Legislature of Alabama.

"1963 Act" means Act No. 26 adopted at the First Special Session of 1963 of the Legislature of Alabama.

"1967 Act" means Act No. 225 adopted at the Special Session of 1967 of the Legislature of Alabama.

"State" means the State of Alabama.

"State's share of the net tax proceeds" shall be deemed to have the meaning given to that term as defined in the gasoline tax appropriation act.

Section 2. Authorization to Issue Additional Bonds. Alabama Highway Authority shall have the power, and is hereby authorized and empowered, to sell and issue its bonds not exceeding \$25,000,000 in aggregate principal amount for the construction and reconstruction of public bridges on public highways of the state, and to refund all or any thereof by the issuance of refunding bonds. The powers conferred on the corporation by this act are in addition to all powers heretofore conferred on the corporation by the 1955 Act, the 1959 Act, the 1963 Act, and the 1967 Act, or any of the said acts.

Section 3. Details Respecting the Bonds. The bonds which may be issued in one or more series, shall be in such forms and denominations and of such tenor and maturities, shall bear such

rate or rates of interest payable and evidenced in such manner, and may contain other provisions not inconsistent with this act, all as may be provided in the resolution or resolutions of the board of directors of the corporation in which the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than twenty years after its date. The corporation may at its election retain in the resolution or resolutions under which any of the bonds are issued an option to redeem all or any thereof and at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in said resolution or resolutions and as may be briefly recited in the face of the bonds with respect to which such option of redemption is retained; provided, that the redemption price at which any of the bonds may be so redeemed shall not exceed an amount equal to the face value thereof plus accrued and unpaid interest thereon to the date fixed for such redemption and a redemption premium equal to one year's interest thereon.

Section 4. Execution of the Bonds. The bonds shall be signed by the president of the corporation and attested by its secretary, and all interest coupons applicable to the bonds shall be signed by the president of the corporation; provided, that a facsimile of the signature of one, but not of both, of said officers may be printed or otherwise reproduced on any of the bonds in lieu of their being manually signed, and a facsimile of the president's signature may be printed or otherwise reproduced on any of the interest coupons in lieu of their being manually signed. The seal of the corporation shall be impressed on the bonds, provided that a facsimile of said seal may be printed or otherwise reproduced on any of the bonds in lieu of being manually impressed thereon.

Section 5. Sale of the Bonds. Each series of the bonds shall be sold at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in a financial journal published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided fur-

ther, that such terms and conditions shall not conflict with any of the requirements of this act. Approval by the Governor of Alabama of the terms and conditions under which any of the bonds may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds proposed to be issued are authorized and shall be signed by the Governor. Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 6. Bonds to be Limited Obligations; Pledge Therefor. The bonds shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in Section 10 of this act. As security for the payment of the principal of and interest on the bonds issued by it under this act, the corporation is hereby authorized and empowered to pledge for payment of the said principal and interest the funds that are appropriated and pledged in Section 10 of this act for payment of the said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this act shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the state.

Section 7. Bonds and Income Thereon Exempt From Taxation; Bonds May be Used to Secure Deposits and for Investment of Fiduciary Funds. The bonds and the income therefrom shall be exempt from all taxation in the state. Any of the bonds may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest any fiduciary funds in any of the bonds.

Section 8. Refunding Bonds. Subject to the provisions contained in this act, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any unmatured bonds of the corporation issued under this act and then outstanding, together with any premium that may be necessary to be paid in order to redeem or retire the bonds proposed to be refunded. The limitation provided for in Section 2 of this

act on the amount of bonds authorized in this act shall not apply to the said refunding bonds.

Section 9. Use of Proceeds of Bonds. The corporation shall pay out of the proceeds from the sale of any of the bonds all expenses which the said board of directors may deem necessary or advantageous in connection with the sale and issuance of the bonds, but no fees for fiscal agents or financial consultants, nor for any attorney other than the counsel rendering the unqualified legal opinion on the bonds issued by the corporation under this act, shall be paid. The proceeds of the bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned into the state treasury, shall be carried in the public road and bridge fund, and shall be subject to be drawn on by the corporation, upon the approval of the highway department and the Governor, but only for the purpose of paying costs of construction or reconstruction of public bridges on the public highways in the state (including the acquisition of property necessary for such construction and reconstruction). The proceeds from the sale of all refunding bonds issued by the corporation under this act remaining after paying the expenses of their issuance shall be turned into the state treasury and used only for the purpose of refunding the principal of bonds of the corporation theretofore issued under this act and then outstanding and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. The provisions of the 1955 Act with respect to bridge construction, the letting and approval of contracts therefor, the supervision of construction work, the making of rules and regulations for protection of public ways and of the traveling public shall apply to the bridges constructed and reconstructed with proceeds from the bonds; provided, that the said provisions shall so apply only to the extent that they are not in conflict with any federal legislation, regulation, or requirement relating to federal aid in bridge construction.

Section 10. Appropriation of Revenues to the Corporation; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing funds to enable the corporation to pay at their respective maturities the principal of and interest on the bonds that may be issued by it under the provisions of this act and to accomplish the purposes and objects of its creation, there hereby is irrevocably pledged to said purpose and appropriated so much as may be necessary for said purpose of the following (remaining after providing for the appropriation made in the 1967 Act for the benefit of those bonds authorized therein to be issued by the Authority):

(a) So much as may be necessary for such purpose of that portion of the proceeds from the motor vehicle license taxes and

registration fees that is provided to be distributed to the state pursuant to the provisions of Section 713 of Title 51 of the Code of Alabama of 1940, as amended;

(b) To such extent and to such extent only as the revenues appropriated under the foregoing subsection (a) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, so much as may be necessary for such purpose [when added to the amounts appropriated in the said subsection (a)] of that portion of the state's share of the net tax proceeds of the highway gasoline tax that is referred to and appropriated to the corporation in Section 3(d) (2) of the gasoline tax appropriation act; and

(c) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a) and (b) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a) and (b)] of the entire proceeds of the following excise taxes remaining after payment of the costs of collection thereof: (1) the excise tax levied by Act No. 590 adopted at the 1939 Regular Session of the Legislature, as amended, on distributors and storers of motor fuel, as therein defined, and (2) the excise tax levied by Act No. 674 adopted at the 1961 Regular Session of the Legislature, as amended (exclusive of that portion of the said tax in respect of gasoline). The term "cost of collection," as used in this subsection (c) means that portion of the excise taxes referred to in this subsection that may be appropriated by the Legislature to the Department of Revenue for its operating expenses; and the proceeds from the said taxes remaining after costs of collection being herein called "the net proceeds from the motor fuel tax."

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds. As security for the payment of the principal of and interest on the bonds issued under this act, the corporation is authorized to pledge the proceeds of the appropriation and pledge herein provided for. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions making such pledges; provided, however, that any such pledges made for the benefit of any refunding bonds that may be issued hereunder shall be subordinate to (1) the pledge made hereunder for the benefit of any bonds (other than refunding bonds) issued under the provisions of this act, (2) any pledge or pledges of the tax proceeds and fees referred to in subsections (a), (b), and (c) of this act that may have been made prior to the issuance of such refunding bonds

pursuant to authorization in any statute heretofore or hereafter enacted, and (3) any pledge or pledges authorized, by any statute in effect at the time of the issuance of such refunding bonds, to be made for the benefit of any then unissued bonds (other than refunding bonds) provided for in any such statute; and provided, further, that the priorities of any such refunding bonds over each other as to any such pledge shall be as may be provided in the resolutions authorizing any such refunding bonds.

Section 11. Required Coverage. No series of the bonds (other than refunding bonds) shall be issued at any time if the aggregate amount of principal and interest that will mature with respect to that series of the bonds during any fiscal year of the state, when added to the total principal and interest that will mature during the same fiscal year on (a) those bonds (other than refunding bonds) of the corporation then outstanding that were issued under the 1955 Act, the 1959 Act, the 1963 Act, the 1967 Act or this act, and (b) those bonds (other than refunding bonds) then outstanding that were issued by Alabama Highway Finance Corporation, a public corporation created under Act No. 228 adopted at the 1965 Regular Session of the Legislature of Alabama, would exceed fifty per centum (50%) of the sum of the following: (1) an amount equal to that portion of the state's share of the net tax proceeds from the highway gasoline tax referred to in Section 3 of the gasoline tax appropriation act collected by the state during the fiscal year next preceding the fiscal year during which are issued the series of the bonds proposed to be issued, (2) an amount equal to the net proceeds from the motor fuel tax collected during the fiscal year next preceding the fiscal year during which are issued the series of the bonds then proposed to be issued, and (3) an amount equal to that portion of the motor vehicle license taxes and registration fees required to be distributed to the state pursuant to Section 713 of Title 51 of the Code of Alabama of 1940, as amended, that were collected during the fiscal year next preceding the fiscal year during which the said series of bonds is issued. The amount of the state's share of the net tax proceeds from the highway gasoline tax, the amount of the net proceeds from the motor fuel tax, and the amounts referred to in the foregoing clause (3) of this section shall be conclusively established by a certificate of the Commissioner of Revenue of the state.

Section 12. State Treasurer to Disburse Funds. Out of the revenues appropriated and pledged in Section 10 of this act, the State Treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 13. Severability Clause. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses or provisions of this act, which shall continue effective.

Section 14. Effective Date. This act shall become effective upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:50 P.M.

Act No. 782

H. 861—Cook (Jefferson), Merrill, Kilgore, Weeks, House, Pruitt, Manley, Ellis, Pennington, Holladay, McCorquodale, Cook (Coffee), Hain, Gafford, Grainger, McDonald, McElhaney, Crane, Sessions, Yeilding, Graham, Blanton, Gloor, Cherner, Money, Dill, Slate, Stubbs, Bowers, Meeks, Waggoner, Bank, Laxson, Wright, Watkins.

AN ACT

To amend Act No. 126 adopted at the Second Special Session of 1959 of the Legislature of Alabama so as to amend Section 9 thereof specifying certain changes in the details pertaining to the bonds issued under the provisions of the said act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 126 adopted at the Second Special Session of 1959 of the Legislature of Alabama shall be and the same is hereby amended so that the said section shall read in its entirety as follows:

Section 9. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of the said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any bonds of the

Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, payable at such times and evidenced in such manner, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than thirty years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority at the end of the tenth year after their date, and on any interest payment date thereafter, after such notice and under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such bonds are authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors may deem advantageous, but bonds of the Authority must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a daily newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days before the date fixed for the sale. The board of directors may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the provisions and limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Approval by the Governor of Alabama of the terms and conditions under which any bonds of the Authority may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the Governor. The Authority may pay out of the proceeds of the

sale of its bonds attorneys' fees and the expenses of issuance, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. No fiscal agents' fees shall be paid in connection with the issuance or sale of any such bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 11 hereof. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 11 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not be an obligation or debt of the State of Alabama. Bonds issued by the Authority shall be construed to be negotiable instruments, although payable solely from a specified source, as provided herein. All bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the State of Alabama. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the State, or to any political subdivision, instrumentality or agency of the State, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the Authority. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the Authority.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:51 P.M.

Act No. 783

H. 862—Cook (Jefferson), Merrill, Pruitt,
Waggoner, Manley, Berryman
(W), House, Hill, Weeks, Cook

(Coffee), McCorquodale, Kilgore,
Holladay, Grainger, McDonald,
Ellis, Crane, Sessions, Yeilding,
Gloor, Pennington, Cherner,
Money, Dill, Bowers, Meeks,
Gafford, McElhaney, Hain,
Blanton, Graham, Stubbs, Laxson,
Slate, Wright, Bank, Watkins

AN ACT

To amend Act No. 243 adopted at the Special Session of 1965 of the Legislature of Alabama so as to amend Section 9 thereof specifying certain changes in the details pertaining to the bonds issued by Alabama Public School and College Authority under the provisions of the said act

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 243 adopted at the Special Session of 1965 of the Legislature of Alabama shall be and the same is hereby amended so that the said section shall read in its entirety as follows:

Section 9. The bonds of the Authority shall be signed by its president and attested by its secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of the said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any bonds of the Authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest, payable at such times and evidenced in such manner, and may contain other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the Authority shall have a specified maturity date later than twenty-one years after its date. Any bond of the Authority may be made subject to redemption at the option of the Authority at such times and after such notice and on such conditions and at such redemption price or prices as may be provided in the resolution under which it is authorized to be issued; provided, that those bonds of the Authority having specified maturity dates more than ten years after their date shall be made subject to redemption at the option of the Authority

at the end of the tenth year after their date, and on any interest payment date thereafter, after such notice and under such terms and conditions and at such redemption price or prices as may be provided in the resolution under which such bonds are authorized to be issued. Bonds of the Authority may be sold from time to time as the board of directors may deem advantageous, but bonds of the Authority must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Authority for the bonds being sold, computed from their date to their respective maturities; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also a publication in a daily newspaper published in the State of Alabama, each of which notices must be published at least one time not less than ten days before the date fixed for the sale. The board of directors may fix the terms and conditions under which such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this Act. Subject to the provisions and limitations contained in this Act, the Authority may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the Authority then outstanding. Approval by the Governor of Alabama of the terms and conditions under which any bonds of the Authority may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the Governor. The Authority may pay out of the proceeds of the sale of its bonds attorneys' fees and the expenses of issuance, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. No fiscal agents' fees shall be paid in connection with the issuance or sale of any such bonds. Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 11 hereof. As security for the payment of the principal of and interest on the bonds issued by it, the Authority is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in Section 11 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolution containing such pledges. All contracts made and all bonds issued by the Authority pursuant to the provisions of this Act shall be solely

and exclusively obligations of the Authority and shall not be an obligation or debt of the State of Alabama. Bonds issued by the Authority shall be construed to be negotiable instruments, although payable solely from a specified source, as provided herein. All bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the State of Alabama. Any bonds issued by the Authority may be used by the holder thereof as security for any funds belonging to the State, or to any political subdivision, instrumentality or agency of the State, in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the Authority. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the Authority.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:52 P.M.

Act No. 784 H. 886—McCorquodale, Pruitt, Fite, Merrill, Hill, Collins (W), Manley, Cameron, Holladay, Cook (Jefferson), House, Berrymon (W), Cook (Coffee), Gloor, Agee, Snell, Harper, Garrett, Hardin, Lyons, Melton, Harris, Wood, Edington, Collins (C), Pennington

AN ACT

To amend Act No. 224 adopted at the Special Session of 1967 of the Legislature of Alabama so as to appropriate, from the state's share of the net tax proceeds of the highway gasoline tax, moneys for payment at their respective maturities of the principal of and interest on bonds of Alabama Highway Authority issued under an act adopted at the 1969 Regular Session of the Legislature of Alabama, and to clarify the provisions of the said Act insofar as they relate to refunding bonds that may hereafter be issued.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 224 adopted at the Special Session of 1967 of the Legislature of Alabama is hereby amended so that the said Section 3 shall read in its entirety as follows:

Section 3. Distribution of Forty-Five Per Centum of the Net Tax Proceeds. Forty-five per centum (45%) of the net tax proceeds is hereby allocated and appropriated for state highway purposes and as the state's share of the net tax proceeds. The said forty-five per centum (45%) of the net tax proceeds shall be covered into the state treasury to the credit of the public road and bridge fund and shall be disbursed as hereinafter provided in this section.

(a) A portion of the state's share of the net tax proceeds that is equal in amount to two-sevenths (equivalent to six twenty-firsts) of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued prior to March 1, 1967, by Alabama Highway Authority, a public corporation organized and existing under the provisions of Act No. 43 adopted at the First Special Session of 1955 of the Legislature, in the order in which the said two-sevenths of the net tax proceeds were pledged for the said bonds.

(b) A portion of the state's share of the net tax proceeds that is equal in amount to two twenty-firsts of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued prior to March 1, 1967, by the said Alabama Highway Authority, in the order in which the said two twenty-firsts of the net tax proceeds were pledged for the said bonds.

(c) A portion of the state's share of the net tax proceeds that is equal in amount to one twenty-first of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued by the said Alabama Highway Authority after March 1, 1959, and prior to March 1, 1967, in the order in which the said one twenty-first of the net tax proceeds were pledged for the said bonds.

(d) The residue of the state's share of the net tax proceeds remaining after provision shall have been made, out of the aforesaid nine twenty-first (9/21) of the net tax proceeds, for payment of the obligations referred to in the foregoing paragraphs (a), (b) and (c) of this section, shall be disbursed for the following purposes, in the following order, and to the extent necessary therefor:

(1) For payment at their respective maturities of the principal of and interest on bonds (other than refundings bonds) issued by the said Alabama Highway Authority under the provisions of Act No. 225 adopted at the 1967 Special Session of

the Legislature, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in Section 713 of Title 51 of the Code of Alabama of 1940, as amended, to be used for the payment of the principal of and interest on the said bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of the said Act No. 225 should be insufficient to pay the said principal and interest at their respective maturities;

(2) For payment at their respective maturities of the principal of and interest on the bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of an act adopted at the 1969 Regular Session of the Legislature of Alabama, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in Section 713 of Title 51 of the Code of Alabama of 1940, as amended, to be used for the payment of the principal of and interest on the said bonds (other than refunding bonds) issued by the said Alabama Highway Authority under the provisions of an act adopted at the 1969 Regular Session of the Legislature should be insufficient to pay the said principal and interest at their respective maturities

(3) For payment at their respective maturities of the principal of and interest on the bonds (other than refunding bonds) issued under Act No. 228 adopted at the 1965 Regular Session of the Legislature by Alabama Highway Finance Corporation, a public corporation organized and existing under the said Act No. 228.

(4) For payment at their respective maturities of the principal of and interest on any refunding bonds that may at any time be issued either by the said Alabama Highway Authority or by the said Alabama Highway Finance Corporation pursuant to authorization in any statute adopted at the 1969 Regular Session of the Legislature or at any other legislative session prior thereto, in the order in which the resolutions authorizing any such refunding bonds may be adopted.

(5) For allocation on September 30 of each fiscal year to each county to which allocation shall have been made under the provisions of Section 4 (b) of this act during such fiscal year less than the base annual county distribution, of such sum as, when added to the amounts so allocated to that county under the said Section 4(b), will equal the base annual county distribution; provided, that no allocation to any county shall be made under the provisions of this clause (5) after the fiscal year ending September 30, 1971; and

(6) For apportionment on September 30 of each fiscal year in which allocations shall be made pursuant to clause (5) of

this paragraph (d), among the counties to which no allocation shall have been made for that fiscal year on that day pursuant to the said clause (5), of a sum equal to the difference between (i) the total amount that would have been allocated on the same day under the said clause (5) if the base annual county distribution had been \$590,000, and (ii) the amount that was actually allocated on that day under the said clause (5), the said sum apportioned pursuant to the provisions of this clause (6) to be so apportioned on the basis of the ratio of the population of each county to which an apportionment is made under this clause (6) to the total population of all counties to which an apportionment is made under this clause (6) as each such population shall be shown by the then next preceding federal decennial census or any special federal census heretofore held in any county subsequent to the effective date of the 1960 federal decennial census.

The state's share of the net tax proceeds paid into the public road and bridge fund and not required for any of the purposes referred to in any of the foregoing paragraphs (a), (b), (c) and (d) of this section may be withdrawn by the highway department and used by it for highway purposes.

Each reference in this section to September 30 in any fiscal year shall be deemed to refer to the last business day of that fiscal year.

Section 2. Section 4 of the said Act No. 224 is hereby amended so that the said Section 4 shall read in its entirety as follows:

Section 4. Disposition of Fifty-Five Per Centum of the Net Tax Proceeds. Fifty-five per centum (55%) of the net tax proceeds is hereby allocated and appropriated to be used for highway purposes by the counties and municipalities. The said fifty-five per centum (55%) of the net tax proceeds shall be covered into the state treasury and shall be disbursed and allocated as hereinafter provided in this section.

(a) In the event that the portion of the net tax proceeds provided in Section 3 of this act to be used for payment of the principal of and interest on the bonds (other than refunding bonds) issued by the said Alabama Highway Finance Corporation should be insufficient to pay the said principal and interest at their respective maturities, then in that event and only to the extent of the said insufficiency, a portion of the net tax proceeds allocated and appropriated under this section, not exceeding in amount one-seventh of the entire net tax proceeds, shall be disbursed for payment of such principal and interest at their respective maturities.

(b) Subject to the contingent appropriation contained in paragraph (a) of this section, the said fifty-five per centum (55%) of the net tax proceeds shall be allocated as follows:

(1) A portion of the local subdivisions' share of the net tax proceeds that is equal to twenty-five per centum (25%) of the net tax proceeds shall be allocated equally among the sixty-seven counties of the state.

(2) The entire residue of the local subdivisions' share of the net tax proceeds (being an amount equal to thirty per centum (30%) of the net tax proceeds less any amount paid pursuant to the contingent appropriation in subsection (a) of this section) shall be allocated among the sixty-seven counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1960 federal decennial census. The allocation provided for in this paragraph (b) shall be made on or prior to the tenth day of each month with respect to receipts of the highway gasoline tax by the state during the preceding month.

Section 3. This act shall become effective upon its passage by the Legislature and its approval by the Governor, or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:53 P.M.

Act No. 785 H. 888—McCorquodale, Pruitt, Fite, Merrill, Hill, McDonald, Cameron, Holladay, Manley, Collins (W), Cook (Jeff.), House, Berryman (W), Cook (Coffee), Gloor, Agee, Snell, Harper, Garrett, Hardin, Lyons, Melton, Harris, Wood, Edington, Collins (C), Pennington

AN ACT

To amend Sections 6 and 11 of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama so as to change the duration for which the corporation organized thereunder (known as Alabama Highway Authority) shall continue to exist.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 43 adopted at the First Special Session of 1955 of the Legislature of Alabama is hereby

amended so that the said section shall read in its entirety as follows:

Section 6. *Corporate Powers.* The corporation shall have the following powers: (A) to have perpetual succession by its corporate name unless sooner dissolved pursuant to Section 11 of this act; (B) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (C) to have and to use a corporate seal and to alter the same at pleasure; (D) to construct, reconstruct, and relocate or to cause to be constructed, reconstructed, and relocated public roads and bridges, including work incidental or related thereto, in the State of Alabama; (E) to acquire by purchase, gift, or condemnation, or any other lawful means and to convey or cause to be conveyed to the State of Alabama any real, personal or mixed property necessary or convenient in connection with the construction of public roads and bridges and approaches thereto in the State of Alabama, or the reconstruction or relocation of public roads and bridges in said state; (F) to exercise the right of eminent domain as freely and completely as, and in the same manner that, the State of Alabama is empowered to exercise such right; (G) to borrow money for its corporate purposes and in evidence of such borrowing to sell and issue its bonds and to refund any thereof by the issuance of refunding bonds (any such bonds, including refunding bonds, being herein collectively referred to as "bonds"); (H) as security for payment of the principal of and the interest on its bonds, to pledge the proceeds of the appropriations and pledges herein provided for; and (I) to appoint and employ such officers, attorneys, and agents as the business of the corporation may require.

Section 2. Section 11 of the said Act No. 43 is hereby amended so that the said section shall read in its entirety as follows:

Section 11. *Dissolution of the Corporation.* At any time when no securities of any kind of the corporation (whether issued under this act or under authorization contained in any other act) are outstanding, the corporation may be dissolved upon the filing with the Secretary of State of an application for dissolution, which shall be subscribed by each of the members of the corporation and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said application for dissolution, the corporation shall cease and any property owned by it at the time of its dissolution shall pass to the State of Alabama. The Secretary of State shall file and record the application for dissolution, in an appropriate book of record in his office, and shall make and

issue, under the Great Seal of the state, a certificate that the corporation is dissolved, and shall record the said certificate with the application for dissolution.

Section 3. This act shall become effective when passed by the Legislature and approved by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:54 P.M.

Act No. 786 H. 889—House, Cook (Jeff.), Berryman (W),
Merrill, Hill, Pruitt, Manley,
Holladay, McCorquodale, Cook
(Coffee)

AN ACT

To make an annual appropriation, out of moneys derived from the excise tax known as the use tax and required to be paid into the Alabama Special Educational Trust Fund, for the education and training of exceptional children, including the administration, maintenance and operation of classrooms and classes and payment of teachers for such classes; and to repeal Section 3 of Act No. 105 adopted at the Second Special Session of 1963 of the Legislature and Section 3 of Act No. 67 adopted at the Regular Session of 1963 of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Out of moneys derived from the excise tax known as the use tax levied by Section 788 of Title 51 of the Code of Alabama of 1940, as amended, and now or hereafter required by law to be paid into the Alabama Special Educational Trust Fund, the sum of \$300,000 is hereby appropriated and shall be used each fiscal year, commencing with the fiscal year beginning October 1, 1969, as a part of the State Minimum Program Fund for the education and training of exceptional children, including the administration, maintenance, and operation of classrooms and classes and payment of teachers for such classes, in accordance with the provisions of Act No. 249 adopted at the 1955 Regular Session of the Legislature. The appropriation herein made is a special allocation and shall be in addition to all other allocations from the Minimum Program Fund for exceptional children. The allocation made in this act shall be taken in each fiscal year from the proceeds of the said excise tax so paid into the Alabama Special Educational Trust Fund after provision for payment of the principal and interest maturing during the same fiscal year on any bonds or other securities for which proceeds of the said excise tax are or may be appropriated or pledged.

Section 2. Section 3 of Act No. 105 adopted at the Second Special Session of 1963 of the Legislature, and Section 3 of Act No. 67 adopted at the Regular Session of 1963 of the Legislature, are each hereby expressly repealed, it being intended hereby that the appropriations made in Section 1 of this act shall be in lieu of the appropriations made in the said sections so repealed.

Section 3. This act shall become effective upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:55 P.M.

Act No. 787 H. 891—McCorquodale, Pruitt, Fite, Merrill,
Hill, Collins (W), Manley, Cameron,
Holladay, Cook (Jefferson), House,
Berryman (W), Cook (Coffee),
Gloor, Agee, Snell, Harper, Garrett,
Hardin, Lyons, Melton, Harris,
Wood, Edington, Collins (C),
Pennington

AN ACT

To amend Act No. 590 adopted at the 1939 Regular Session of the Legislature of Alabama (relating to the excise tax on motor fuel as defined in the said act), as amended, so as to make further provision for the disposition of the proceeds of the tax levied thereby.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13 of Act No. 590 adopted at the 1939 Regular Session of the Legislature of Alabama, as amended, is hereby further amended so that the said Section 13 shall read in its entirety as follows:

Section 13. The proceeds of the excise tax herein imposed, when collected, shall be applied for the following purposes and in the following order: (a) for payment of the costs of collection thereof, being the amount appropriated for each fiscal year by the Legislature to the Department of Revenue for the administration of this act; (b) for payment of the principal of and interest on bonds that may at any time be issued by Alabama Highway Authority (a public corporation and instrumentality of the state) pursuant to legislative authorization and for which the said tax shall have been appropriated and pledged in the statute under which such bonds are issued, all in the manner and to the extent provided in such statute; and (c) the balance shall be covered into the treasury to the credit of the Highway Department to be used exclusively in the construction, repair, maintenance and

operation of public roads and bridges in this state, including any toll road or toll bridge constructed by the Highway Department or maintained and operated by it or under its supervision.

Section 2. This Act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 4:56 P.M.

Act No. 788

H. 899—Hill

AN ACT

To regulate further the time within which actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision, or construction of such improvements must be commenced.

Be It Enacted by the Legislature of Alabama:

Section 1. All actions against persons who performed or furnished the design, planning, supervision or construction of improvements on real property, whether based on contract or tort, for damages arising out of any act or omission of such persons in the design, planning, supervision or construction of such improvements, must be commenced within four years after the final completion of such improvements, and not afterwards. Provided, that if the cause of action is not discovered and could not reasonably have been discovered within such period, then the action may be commenced within six months from the date of such discovery or the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier; provided further, that in no event may the action be commenced more than seven years after such act or omission.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming law; but it shall apply only to causes of action arising subsequent to the effective date of this Act.

Approved September 12, 1969.

Time: 4:57 P.M.

Act No. 789

H. 793—Higginbotham, Turnham

AN ACT

To amend Sections 1 and 2 of Act No. 230, H. 597, Regular Session 1959 (Acts 1959, p. 775) which act authorizes the court of county commissioners of Lee County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Lee County; so as to increase the rate of the tax and to provide for the use of the proceeds from such increase.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 230, H. 597 Regular Session 1959 (Acts 1959, p. 775) relating to the privilege or license tax on distributors or sellers of malt or brewed beverages to retailers in Lee County are amended to read as follows:

“Section 1. The court of county commissioners or like governing body of Lee County may levy a privilege or license tax on all persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering to retailers in Lee County any malt or brewed beverages, (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume), which tax shall be in an amount equal to not more than four cents on quantities of twelve fluid ounces or less, six cents on quantities of more than twelve but not exceeding sixteen fluid ounces, and eight cents on quantities of more than sixteen but not exceeding twenty-four fluid ounces; and four cents on each twelve fluid ounces or fractional part thereof in excess of twenty-four fluid ounces of malt or brewed beverages sold, delivered or distributed to retailers located in the county. The privilege or license tax herein authorized shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law.

“Section 2. The privilege or license tax authorized by this act shall be collected by, or under the supervision of the court of county commissioners or like governing body of Lee County. The court of county commissioners or like governing body shall apportion and distribute the proceeds of the tax to the custodian of county school fund, the custodian of the Opelika City School fund and the custodian of the Auburn City School fund, in the same manner and at the same rate that state minimum school program funds are distributed; provided, that for each of the fiscal years ending September 30, 1970 and September 30, 1971, there shall be paid out of the proceeds of such tax to the custodian of the county school fund not less than \$150,000. If the proceeds of such tax are not adequate to pay to the county school funds such amount under the apportionment hereinabove prescribed, then \$150,000 shall be paid to the custodian of the county school

funds for each of these fiscal years and the remainder of the proceeds of the tax shall be apportioned and distributed to the custodians of the city school funds of the cities of Auburn and Opelika at the same rate that state minimum program funds are distributed. Such funds shall be used solely for public school purposes."

Section 2. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:58 P.M.

Act No. 790

H. 918—Meade, Beck

AN ACT

To amend Act No. 261, H. 808, approved August 23, 1955 (Acts 1955, p. 606) relating to the construction, maintenance and repair of the county roads and bridges of Cherokee County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 261, H. 808, approved August 23, 1955, (Acts 1955, p. 606) is hereby amended so as to read as follows:

"Section 4. Upon the effective date of this Act the governing body of Cherokee County and all officials of the county shall transfer and turn over to the State Highway Department, all funds, supplies, equipment, machinery and materials held, owned, leased or controlled by it or them for the construction, maintenance and repair of county roads and bridges. Thereafter, on or before the tenth day of each month, the county treasurer, the county governing body and all other county officials of Cherokee County shall pay over to the State Highway Department all funds collected or received by them as taxes, or otherwise excluding the motor vehicle license tax allocated to the county, from any source whatsoever during the preceding month which are designated or to be used for the purpose of constructing maintaining or repairing county roads or bridges. Such funds shall be maintained separately by the State Highway Department and shall be used by it solely for the purpose of construction, maintenance and repair of county roads and bridges in Cherokee County subject to the provisions of this Act; provided that the provisions of this Act shall have no application to any monies now constituting the Road, Bridge and Public Building Fund of Cherokee County nor to any amounts hereafter received by such county from the levy for such purposes authorized by

Section 215 of the Constitution, and same shall continue to be received, maintained and expended subject to the control and direction of the governing body of such county in the manner authorized by law."

Section 2. Section 7 of said Act No. 261 of 1955 is hereby amended so as to read as follows:

"Section 7. The State Highway Department shall construct, maintain and repair the county roads and bridges of Cherokee County from the funds paid over to it pursuant to Section 4 of this Act, and from funds which would otherwise accrue to Cherokee County for road and bridge work from any source not specifically excepted under the terms of this Act. The State Highway Department shall retain, and the appropriate State Officials are authorized to pay over to it, any funds or amounts to which Cherokee County shall be entitled to from the proceeds of the State gasoline tax, or any other State tax, and such sums and amounts shall be used in addition to the sums and amounts turned over to the State Highway Department under the provisions of Section 4 of this Act for the construction, maintenance and repair of county roads and bridges in said county. The gasoline tax money, and the proceeds of any other tax to which Cherokee County is entitled, received by the State Highway Department for road work in Cherokee County shall be kept in the separate account referred to in Section 4 of this Act."

Section 3. This Act amendment shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 4:59 P.M.

Act No. 791

H. 923—Hill, Haygood

AN ACT

Relating to the office of sheriff of Lauderdale County; providing further for the operation of such office; making further provisions respecting the number and employment of deputies and assistants for such officer; providing for their compensation; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of the deputies and assistants heretofore authorized by law the sheriff of Lauderdale County shall appoint:

(a) one chief deputy, and not less than eight nor more than thirteen deputies in addition to the chief deputy, the exact

number of such deputies to be determined by the county governing body. The chief deputy shall receive not less than \$550 nor more than \$750 monthly and each other deputy shall receive not less than \$500 nor more than \$650 monthly;

(b) one or more secretaries, at the discretion of the county governing body, who may be deputies but shall not be included in the number of deputies authorized in subsection (a) above. Such secretary, or secretaries shall receive not less than \$400 nor more than \$500 monthly;

(c) two or more jailers, at the discretion of the county governing body, who may be deputies, but shall not be included in the number of deputies authorized by subsection (a) above. Such jailers shall receive not less than \$500 nor more than \$600 monthly.

The exact amount of compensation of each of such deputies, jailers and assistants shall be fixed by the county governing body and shall be paid out of the general fund of the county as the salaries of other county employees are paid.

Section 2. The county governing body shall furnish each deputy of the sheriff with uniforms or it may in its discretion pay to each deputy annually a uniform allowance of \$125.

Section 3. Each employee of the sheriff's office shall be granted two weeks vacation leave and two weeks sick leave with pay each year. Accumulation of vacation leave shall be allowed up to a maximum of sixty working days and accumulation of sick leave shall be allowed up to a maximum of thirty working days. "Sick leave" shall mean absence from duty of an employee because of : (1) illness; (2) bodily injury not incurred in line of duty, or bodily injury or occupational illness incurred in line of duty, but for which special leave is not granted; (3) attendance on members of the immediate family whose illness requires the care of such employee; and (4) death in the immediate family of an employee.

Section 4. Act No. 31, S. 128, Regular Session 1943, (Local Acts 1943, p. 18); Act No 219, H. 557, Regular Session 1947, (Local Acts 1947, p. 124); Act No. 91, H. 391, Regular Session 1951 (Acts 1951, p. 312); Act No. 413, H. 888, Regular Session (Acts 1955, p. 957); Act No. 656, H. 1106, Regular Session 1957 (Acts 1957, p. 997); Act No. 658, H. 1109, Regular Session 1957 (Acts 1957, p. 998); Act No. 115, S. 6, Special Session 1961 (Acts 1961, p. 2040); Act No. 116, S. 7, Special Session 1961, (Acts 1961, p. 2041); Act 117, S. 8, Special Session 1961 (Acts 1961, p. 2041); Act No. 802, H. 1004, Regular Session 1965 (Acts 1965, p. 1504) and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:00 P.M.

Act No. 792

H. 924—Hill, Haygood

AN ACT

To relieve the board of registrars of Lauderdale County of the duty of visiting the several precincts for the purpose of registering applicants for registration; and to regulate further the places for registration of applicants therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Lauderdale County is hereby relieved of the duty of visiting the several precincts between October first and December thirty-first in odd-numbered years for the purpose of making a complete registration of all persons entitled to register as required by Code of Alabama 1940, Title 17, Section 26, as amended. In lieu of visiting the precincts such board shall sit during such period for such purpose either at the courthouse or at such other towns or communities in the county as, in the board's opinion, will facilitate the making of a complete registration of persons entitled to register. They shall remain at each place designated for registration at least one-half day. They shall give at least twenty days notice of the time when and the place where they will attend to register applicants for registration, by bills posted at three or more public places in each town or community designated for registration, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice or to attend any appointment made by them, they shall, after like notice, fill new appointments in such town or community. The time consumed by the board in completing such registration shall be subject to the limitation prescribed in Code of Alabama 1940, Title 17, Section 26, as amended. Except as hereinabove provided the times and places of meetings of the board of registrars of Lauderdale County shall be governed by the general law.

Section 2. In Lauderdale County no person shall be registered except at the courthouse or at one of the places of registration designated by the board of registrars as authorized in

Section 1 of this Act; however, any resident of Lauderdale County who is entitled to register, may register at any place designated for registration, even though he is not a resident of the precinct in which such designated place of registration lies.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:01 P.M.

Act No. 793

H. 925—Hill, Haygood

AN ACT

To amend Act No. 88, S. 181, Regular Session 1959 (Acts 1959, p. 509), which authorizes and provides for the establishment of a public law library in Lauderdale County, and provides for the taxing and collection of additional court costs in certain courts in the county to finance such library; to provide further for the taxing and collection of additional court cost for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 88, S. 181, Regular Session 1959 (Acts 1959, p. 509), which authorizes and provides for the establishment of a public law library in Lauderdale County, is hereby amended to read as follows:

“Section 2. In order to provide a special fund for the maintenance of said library there shall be taxed as cost:

“The sum of one dollar in each misdemeanor case or case involving the violation of a municipal ordinance other than an ordinance relating to parking vehicles filed in a municipal court;

“The sum of one dollar in each criminal case, quasi-criminal case or civil case filed in the county court, and in each criminal case or quasi-criminal case involving a misdemeanor filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of Lauderdale County;

“The sum of three dollars in each criminal or quasi-criminal case involving a felony and in each civil action at law, suit in equity, proceeding on a forfeited bail bond, or proceeding

on a forfeited bond given in connection with an appeal from a judgment of conviction in any inferior court to the circuit court of Lauderdale County, hereafter filed in, arising in, or brought by appeal, certiorari or otherwise to the circuit court of Lauderdale County.

"Such costs shall be collected as other cost in such courts are collected and shall be paid by the magistrate, clerk of the court or registers thereof, as the case may be, to the county depository of Lauderdale County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:02 P.M.

Act No. 794 H. 942—Cook (Jefferson), Sessions, House,
Waggoner, Holman, Ellis, Adwell,
Yeilding, Money, Weeks, Watkins

AN ACT

To levy in Jefferson County a privilege or license tax on persons, corporations, partnerships, firms, associations and other entities engaged in the business of renting or furnishing rooms, lodgings or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; to provide that the said Director of Revenue shall pay one per cent (1%) of the total amount of the said taxes collected by him to the treasury of the County, as compensation to the County for expenses incurred by the County in the collection of said taxes and in the administration and enforcement of this act; to provide that the said director of Revenue shall pay all of the proceeds of the taxes, except the one percent (1%) deducted as aforesaid, to the convention and visitors authority of the County created by that certain act adopted during the Regular Session of the Legislature of Alabama of 1969, which provides for a convention and visitors bureau in counties of the state having a population of 500,000 or more according to the last or any subsequent Federal census; to repeal all ordinances of any municipalities within the County imposing, or levying, and license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the charges made for rooms, lodgings or ordinances shall not impair the power of the governing body of any municipality to re-enact any ordinance hereby repealed, or to enact any new or different ordinance imposing, or levying, a license tax on the hotel, motel or tourist court business based on the gross receipts of such business, or on a percentage of the total charges made for rooms, lodgings or accommodations; and to provide for the repeal of laws, whether general, special or local, in conflict with the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Jefferson County.

Section 2. As used herein, the words and terms defined in this Section 2 shall have the meanings hereby ascribed to them. "County" means Jefferson County. The term "effective date of the Act" means the first day of the calendar month next following the calendar month in which this Act is adopted.

Section 3. (a) The taxes levied by this act shall become effective, or go into effect, on the first day of the calendar month next following the calendar month in which this act is adopted.

(b) Commencing on the effective date of the taxes, as specified in subsection (a), above, in addition to all other taxes imposed by law, there is hereby levied and shall be collected by the Director of Revenue as herein provided a privilege or license tax in the amount hereinafter prescribed against every person engaging in the County in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall deduct any pay to the treasury of the county one percent (1%) of the total amount of the said taxes, to compensate the county for the expenses incurred by it in collecting said taxes and in administering this act. Following that deduction, the Director of Revenue shall pay the remainder of the taxes to the convention and tourism authority of the county created under the Act adopted during the Regular 1969 Session of the Legislature providing for a convention and tourism authority in counties having a population of five hundred thousand or more. The amount of the tax shall be equal to one percent (1%) of the charge for such rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room or rooms.

There are exempted from the provisions of the tax levied by this Section 3 and from the computation of the amount of the tax levied or payable hereunder the following: Charges for property sold or services furnished which are required to be included in the tax levied by Act No. 100 of the Second Special Session of 1959 of the Legislature of Alabama (Ala. Acts 1959, page 298 et seq.), as amended, said Act being commonly referred to as the State Sales Tax Act; boarding houses, tourist homes and similar establishments regularly offering less than five (5) rooms for rental to transients; charges for the rental of rooms,

lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty (30) continuous days or more. The exemption hereby provided shall apply to any property sold or services furnished which are required to be included in any sales tax now or hereafter levied by the State of Alabama.

(c) The taxes levied by this Section 3, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Section 3 shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the Director of Revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

(d) It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Section 3 to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employee of the said Director.

(e) Any person who fails to pay the tax levied by this Section 3 within the time required by this act shall pay in addition to the tax a penalty of ten percent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one percent ($1/2$ of 1%) per month or fraction thereof from the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part

of the tax; provided, however, that the Director of Revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

Section 4. The failure of any person to pay any tax levied by this act within the time specified for the payment of the same by the act shall constitute a misdemeanor; and the violation of any of the provisions of this act by any person shall constitute a misdemeanor. Any person violating any provisions of this act shall upon conviction be punished by fine of not more than five hundred dollars (\$500) and may also be sentenced to hard labor for the County for not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

Section 5. None of the provisions of this act shall be applied in such manner as to violate the commerce clause or other clauses of the Federal Constitution or any clause of the Constitution of Alabama. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of the act.

Section 6. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act are hereby repealed to the extent of such conflict; provided, however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by any of the following Acts: Act No. 248 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, p. 586), as amended by Act No. 269 of the Regular Session of the Legislature of Alabama of 1963, (Ala. Acts 1963, p. 715), and Act No. 525 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts 1965, p. 775).

Section 7. There are hereby repealed all existing ordinances of all municipalities within the county imposing, or levying any license tax on the hotel, motel or tourist court business based on the gross receipts of such business or on a percentage of the charges made for rooms, lodgings or accommodations. Such repeal of municipal ordinances shall not impair the power of the governing body of any municipality to reenact any ordinance hereby repealed, or to enact any new or different ordinance imposing, or levying, a license tax on the hotel, motel or tourist court business based on the gross receipts of such business or on a percentage of the total charges made for rooms, lodgings or accommodations.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law; but the taxes levied by this act shall not go into effect, or became effective, until the date specified in subsection (a) of Section 3 of this act.

Approved September 14, 1969.

Time: 5:03 P.M.

Act No. 795

H. 949—Starnes, McDonald

AN ACT

Relating to counties having populations of not less than 47,000 nor more than 49,000; authorizing the county governing body to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners, or other like governing body of any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census, is hereby authorized to appropriate and expend county funds for the purpose of providing contributions for use in the purchase of needed equipment by any organized and established non-profit, volunteer rescue squad operating within the county; provided, that not more than \$2,500 shall be so appropriated or expended in any one fiscal year. After the county governing body shall have duly adopted and recorded in its minutes a resolution to make such contributions, payments shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:04 P.M.

Act No. 796

H. 958—Culver, Brannan, Smith, Pennington,
Laxson, Brown, Paulk, Turnham

AN ACT

To further amend Chapter 7 of Title 2 of the Code of Alabama of 1940 by amending Sections 672, 674, 675, 676 and 677 relating to requirements for persons performing professional work or services pertaining to entomological, pathological, horticultural, floricultural, and tree

surgery work; to define such work; to prescribe special requirements for structural pest control work including the annual permit, bond, insurance, training, experience and other requirements; prescribing the powers and duties of the Commission of Agriculture and Industries for administration and enforcement of said Chapter 7; and prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 672 of Chapter 7 of Title 2 of the Code of Alabama of 1940 is hereby amended to read:

"Section 672. PROFESSIONAL WORK OR SERVICES DEFINED.—Entomological work, pathological work, horticultural and floricultural work, and tree surgery work are hereby defined as follows:

"(a) 'Entomological work' means receiving fees for advice or prescriptions for the control or eradication of any insect pest or rodent or for actual spraying, dusting, fumigating or any other methods used for the control or eradication of any insect pest or rodent.

"(b) 'Pathological work' means receiving fees for advice or prescriptions for the control or eradication of any plant disease or for actual spraying or any other methods used for the control or eradication of any plant disease.

"(c) 'Horticultural and floricultural work' means receiving fees for landscaping and setting of plants, or for the sale of any plants for which the seller contracts to render future services.

"(d) 'Tree surgery work' means receiving fees for tree surgery which includes cavity filling or repair, bracing, cabling and wound treatment of shrubs and trees, but such work as herein defined shall not include pruning, feeding, budding, or grafting of trees or shrubs nor wounds made and treated during pruning."

Section 2. Section 674 of Chapter 7 of Title 2 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended to read:

"Section 674. (1) PERMIT: FEES: EXAMINATION.—**(a) Permit; Fees; Delinquent penalty.**—Before any person engages in professional work or services as defined in this chapter, or before any person shall solicit such work through advertising or in any other manner, such person shall apply for and obtain from the Commissioner of Agriculture and Industries an annual permit therefor and the application for a permit accompanied by the required permit fee shall be on forms furnished for this purpose. The annual permit fee shall be Twenty-five Dollars (\$25.00); except, however, the annual permit fee for persons

engaged in the type of entomological work known as structural pest control work, as hereinafter defined, shall be Fifty Dollars (\$50.00); provided that any person engaged in structural pest control work who conducts such work from more than one location or place of business which location is a 'branch office,' as hereinafter defined, shall be required to obtain a branch office permit for each branch office and the permit fee shall be Twenty-Five Dollars (\$25.00) for each such branch office: provided, further, that where a person conducts structural pest control work from an additional location designated as a 'sub-office,' as hereinafter defined, such person shall be required to obtain a sub-office permit for each sub-office and the permit fee shall be Ten Dollars (\$10.00) for each such sub-office. The fee levied hereunder for any permit issued on or after April 1 of any year shall be one-half of the amount prescribed above for an annual permit fee unless the permit was actually required to be obtained prior to that date. All such permits shall expire on September 30, the end of the fiscal year for which they are issued, and shall be renewable as of October 1 upon payment of the annual permit fee as herein prescribed and upon compliance with the other requirements of this chapter. If the permit fee as required hereunder is not paid by November 1 or within thirty-one (31) days from the date on which such fee is due, a delinquent penalty of 10% shall be added to the amount thereof.

"(b) Additional Permits Required.—When a person has qualified for a permit to perform more than one type or branch of professional work or services, other than structural pest control work, only one permit shall be required to be obtained by such person and the permit shall specify each type of professional work or services that such person is authorized to perform. When a person has qualified for a permit to perform more than one type or branch of structural pest control work, such person shall be required to obtain only one permit which shall specify thereon each type of such work that such person is authorized to perform. Any person who performs structural pest control work from a branch office, as hereinafter defined, shall also be required to obtain a branch office permit for each such branch office, and any person who performs structural pest control work from a sub-office, as hereinafter defined, shall also be required to obtain a sub-office permit for each sub-office.

"(c) Training, Experience and Examination.—The Commissioner pursuant to rules and regulations as authorized hereunder may require applicants for a permit to submit statements as to training and experience in professional work or services and applicants shall be required to pass such tests or examina-

tions for each type of professional services or work as the Examining Board may prescribe for the type of work that applicant desires to perform for the purpose of determining whether applicant is qualified to perform such work. An examination fee of Ten Dollars (\$10.00) shall accompany each application for an examination. Such examination fee shall entitle the applicant to take all examinations for any branch or type of professional work or services that may be given at one particular time. All permit fees and examination fees collected hereunder shall be deposited in the State Treasury to the credit of the Agricultural Fund for use and expenditure for the administration and enforcement of this chapter. Before a permit is issued to any applicant such applicant must be certified by the Examining Board as qualified to perform the type of professional work or services for which a permit is desired. A full-time employee of an applicant who has been certified by the Examining Board as qualified to perform the type or branch of professional work or services in which applicant desires to engage may be designated by applicant as supervisor to be in charge of and responsible for applicant's professional work or services and the permit may be issued designating such employee as supervisor.

“(2) *STRUCTURAL PEST CONTROL WORK.*—*Definitions.*—

“(a) ‘*STRUCTURAL PEST CONTROL WORK*’ as used herein, means and includes that branch or type of entomological or pest control or eradication work which involves the performance of work, or giving advice or prescriptions, for compensation for the prevention, control or eradication of insects, vermin, rodents, other pest animals, fungi or other wood destroying organisms in household structures, commercial buildings, or other structures by the use of insecticides, rodenticides, repellants, other chemicals, mechanical devices, or structural modifications, as well as a fumigation of products, containers, structures, or transportation vehicles.

“(b) ‘*BRANCH OFFICE*’, as used herein, means a place of business at an established location other than the main office having equipment and three (3) or more employees directly engaged in structural pest control work from such place of business which place of business is a subdivision or branch of the main office, point of headquarters or principal operation of the firm.

“(c) ‘*SUB-OFFICE*’, as used herein, means a place at an established location other than the main office or branch office having equipment and less than three (3) employees directly engaged in structural pest control work from such location,

which location must not be more than 100 road miles from the branch office or main office of the firm. It is not required that any employee of a sub-office be certified by the Examining Board for the structural pest control work performed from such office.

“(d) ‘*CERTIFIED OPERATOR*’, as used herein, means a person who has been certified by the Examining Board as qualified to supervise the operation of a main office or a branch office.

“(e) ‘*BRANCH SUPERVISOR*’, as used herein, means a person who has been certified by the Examining Board as qualified to supervise the operation of a branch office, only, and in no event shall such person be qualified to supervise structural pest control work from a main office.

“(3) *STRUCTURAL PEST CONTROL; MAIN OFFICE, BRANCH, SUPERVISORS*.—Every person who engages in structural pest control work shall conduct such work from an established location or place of business, and such person or another individual as a full-time resident employee of such person who has been certified by the Examining Board as being qualified for a permit as a Certified Operator shall be in charge of and responsible for such person’s structural pest control work. The residence of the owner or an employee from which structural pest control work is conducted may be considered an established location. Where a person has more than one separate place of business or location, such person shall obtain a permit for each such separate location or place of business and each such separate location from which structural pest control work is conducted including a branch office but not including a sub-office shall be under the full-time supervision of an individual who has been certified by the Examining Board as qualified to conduct the type of structural pest control work that such person offers to perform. No person having a permit as required hereunder or who has been certified by the Examining Board as qualified for such a permit shall be assigned or designated to supervise the activities of more than one main or principal office or more than one branch office. Work performed from a sub-office shall be under supervision of the main or a branch office of the firm which is not more than 100 road miles from the sub-office, and the supervisor at such main or branch office shall be responsible for the work of the sub-office. Every permit holder shall notify the Commissioner in writing of any change of address or the opening or closing of an office, branch or sub-office or change in Certified Operators or Branch Supervisors within ten (10) days after such change has been made. Before a permit is issued to any appli-

cant such applicant must be certified by the Examining Board as qualified to perform the type or branch of professional work or services for which a permit is desired; provided, however, a full-time employee of the applicant who has been certified by the Examining Board as qualified to perform the type or branch of professional work or services in which applicant will engage may be designated by applicant as Certified Operator to be in charge of and responsible for applicant's professional work or services and the permit may be issued naming such employee as Certified Operator.

"(4) STRUCTURAL PEST CONTROL; MINIMUM QUALIFICATIONS.—Every applicant for examination for a permit to engage in structural pest control work, including those who will be designated as Certified Operators or Branch Supervisors as herein above provided for, must have a knowledge of the practical and scientific facts underlying the practice of structural pest control work, and the necessary knowledge and ability to recognize and control those hazardous conditions which may affect human life and health. Applicants for Certified Operators or Branch Supervisors permits, before being eligible to take an examination for structural pest control work must present satisfactory evidence to the Commissioner of Agriculture and Industries relative to his or her qualifications which must include, as minimum qualifications for a permit, one year of working experience in the field of structural pest control work for the type or branch of work for which the permit is applied; or, in lieu of the foregoing, a college degree which includes instructions in entomology satisfactorily completed, or equivalent instructions in structural pest control to be approved by rules and regulations adopted by the State Board of Agriculture and Industries.

"(5) GRANDFATHER CLAUSE.—Every person who has been determined by the Examining Board prior to the effective date of this Act to be qualified to perform any type or branch of professional work or services shall not again be required to be examined by said Board for determination of his qualifications to be issued a permit as required hereunder with respect to that type or branch of such work for which he has been previously determined by said Board to be qualified to perform. If a person does not actively engage in structural pest control work for a period of five (5) continuous years, or more, he must be re-examined before a permit is issued to him for each type or branch of such work which he desires to perform. Every person engaged in structural pest control who has heretofore been certified as a Supervisor on or before the effective date of this Act or within five (5) years prior to such date shall hereafter be designated as a Certified Operator.

"(6) STRUCTURAL PEST CONTROL; ADDITIONAL REQUIREMENTS.—Any person who has been granted a right or a franchise from another person to conduct structural pest control work as a separate company, firm or corporation shall qualify and comply with all of the requirements of this chapter before such company, firm or corporation is entitled to a permit under the provisions of this chapter or authorizing it to engage in structural pest control work. Any individual, firm or corporation who allows others to use its permit in such a manner so as to avoid compliance with any of the requirements of this chapter shall be guilty of a violation of the penalty provisions of this chapter and shall be punished as therein prescribed. Persons engaged in structural pest control work by the treatment of buildings or structures shall use for such treatment a chemical with a toxic or other effective base, or employ other effective methods to be approved by the Commissioner of Agriculture and Industries under regulations adopted by the State Board of Agriculture and Industries for this purpose. The Department of Agriculture and Industries through its agents or employees shall have authority to enter upon any private premises at reasonable times to examine and test any and all chemicals or other methods used or employed for structural pest control work by any person engaged in such work. Such Department shall also be authorized through its agents or employees to examine records of persons engaged in structural pest control work which shall include contracts, invoices, guarantees or like documents and other records as are necessary to determine whether the requirements of this chapter are being complied with. Failure or refusal by persons engaged in structural pest control work to allow such agents or employees access to such documents and records shall constitute a violation of the penalty provisions of this chapter and shall also be grounds for revoking its permit.

"(7) TERMITE ERADICATION WORK REQUIREMENTS.—In addition to the other requirements of this chapter, each person who has been issued a permit to engage in structural pest control work including subterranean termite eradication or control work must have his unit or equipment marked for easy identification, and persons engaged in subterranean termite eradication and control work shall be required to file a monthly report with the Commissioner containing such information relative to work performed as may be required by rules and regulations, duly adopted as authorized under provisions of this chapter in order that it may be determined whether persons having been issued a permit are complying with the requirements of this chapter. Every person engaged in subterranean termite eradication and control work shall make an annual inspection of each job done during the term of guarantee or contract and

shall report to the building owner in each instance as to whether or not there has been a reinfestation of subterranean termites. If a contract for termite eradication work provides for inspections of such work at intervals of less than one year, such inspections shall be made as required by the terms of the contract and failure or refusal to make such required inspections or any retreatment or other related work as required by a contract shall constitute a valid and sufficient reason for revocation of the permit.

“(8) *REVOCATION OF PERMITS.*—Upon determination by the Commissioner that any person having a permit issued under the provisions of this chapter, or any person who has applied for such a permit, has violated or failed to comply with any of the provisions or requirements of this chapter or any rules and regulations promulgated thereunder, the Commissioner shall be authorized to revoke such permit, or he shall refuse to issue a permit to an applicant therefor. The performance of unauthorized work not covered by a permit, making misrepresentations or any fraudulent practices, failure to perform a contract, failure to have in its employ, when required, a certified operator or branch supervisor, or use or continued use of ineffective methods or materials shall also be valid grounds for revocation of a permit; provided, however, no permit shall be revoked unless the holder thereof shall be given, at least, ten (10) days notice that such action is to be considered by the Commissioner with an opportunity being given for a hearing before the Commissioner. Any applicant refused or denied a permit or any person whose permit is revoked shall be entitled to appeal such action of the Commissioner to the State Board of Agriculture and Industries by filing with the Commissioner, within a period of fifteen (15) days, a written notice or demand for review of the action of the Commissioner in denying or revoking a permit. The State Board of Agriculture and Industries shall review the action of the Commissioner in denying or revoking a permit and make a finding as to whether the permit shall be issued or revoked. Any person denied or refused a permit or any person whose permit has been revoked by action of the Commissioner shall have the right to appear before the Board and be heard in support of his appeal. Any person whose permit to perform work or services as regulated hereunder has been revoked shall not be eligible to have such a permit again issued to him for a period of not less than one year following the date on which such a permit was revoked. Nothing contained in this chapter shall require the Commissioner to issue a permit to any person who has been convicted for a violation of this Chapter.”

Section 3. Section 675 of Chapter 7 of Title 2 of the Code

of Alabama of 1940, as heretofore amended, is hereby further amended to read:

"Section 675. *BOND AND INSURANCE FOR TERMITE ERADICATION WORK.*—“(1) *Surety Bond.*—Each applicant for a permit to perform subterranean termite eradication and control work shall, before a permit is issued to him, furnish and file with the commissioner of agriculture and industries a bond payable to the state of Alabama in the sum of two thousand five hundred dollars (\$2,500.00) and conditioned that the principal therein named shall honestly and in a skillful and workmanlike manner conduct and practice his said business or profession. The bond shall also be conditioned that principal will conduct his business or profession in accordance with the requirements of this chapter. The bond required hereunder shall be written by a surety company qualified to do business in Alabama, and such bond shall be valid and effective to cover the principal's termite eradication and control contracts for a period of one year from date of such contracts and for subsequent annual renewals thereof for like periods of time while such bond is in force. Any person having a right of action against the principal named in such bond arising out of or in the practice of subterranean termite eradication and control work, may bring suit against the principal and surety on such bond in the county where the work was performed, provided, however, that the aggregate liability of the surety to all such persons shall, in no event, exceed the amount of such bond. It is further provided that the surety named in such bond shall not be liable for any loss or damage resulting from fire loss or explosion or fire damage caused by the treatment of any building by its principal, nor shall such surety be liable for such losses in the event the principal fails or neglects to carry the insurance for such losses as hereinafter required. Failure or refusal to maintain the bond as herein required shall constitute a valid and sufficient reason for revocation of the permit issued hereunder.

"(2) *Insurance.*—Each applicant for a permit to perform subterranean termite eradication and control work shall, before a permit is issued to him, be required to secure and carry in a fire or casualty insurance company, qualified to do business in the state of Alabama, a blanket insurance policy in the sum of five thousand dollars (\$5,000.00) for the protection and insurance of the owner or owners of any buildings or structures treated for termites by the applicant, and such insurance shall give protection against any explosion or fire loss or explosion of fire damage proximately caused by such treatment of such buildings or in the act of so treating such buildings or structures for subterranean termite eradication or control, and failure or

refusal to maintain such insurance shall constitute a valid and sufficient reason for revocation of the permit issued hereunder."

Section 4. Section 676 of Chapter 7 of Title 2 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended to read:

"Section 676. (1) *PENALTY; MISDEMEANOR.*—Any person who engages in professional work or services as defined in this chapter or any person who solicits such work through advertising or in any other manner without having a permit as required by said chapter or any person who violates any of the provisions or requirements of this chapter or any rules and regulations adopted and promulgated as authorized under said chapter by failure to comply with any of the requirements, or rules and regulations, of said chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five hundred Dollars (\$500.00), and, within the discretion of the court, may also be imprisoned for a period not to exceed six (6) months. Fines paid for such violations shall be deposited in the State Treasury to the credit of the Agricultural Fund.

"(2) *INJUNCTIVE RELIEF.*—In addition to the penalty provided hereunder and notwithstanding the existence of an adequate remedy at law, the circuit court, in equity, or other court of like jurisdiction, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or a permanent injunction, or both, restraining and enjoining any person from performing any professional work or services, as same is defined in this chapter, or from soliciting such work, without having a valid permit as required by said chapter or after such a permit has been revoked. Bills in equity for injunctive relief as authorized hereunder shall be filed in the circuit court or other court of like jurisdiction of the county of residence of the person who performs work or services in violation of this chapter or in the county where such unauthorized work is performed. Any restraining order or injunction issued hereunder shall be issued without a bond. Any action commenced hereunder based upon facts furnished by the Commissioner of Agriculture and Industries or other having knowledge thereof may be brought in the name of the State of Alabama; provided, however, such action shall be brought upon the relation of the Attorney General and with his approval and such officer shall upon his request be assisted by the district attorney of the judicial circuit or deputy district attorney for the county in which injunctive proceedings are filed."

Section 5. Section 677 of Chapter 7 of Title 2 of the Code of Alabama of 1940 is hereby amended to read:

"Section 677. PERSONS TO WHOM APPLICABLE.—

The provisions of this chapter shall apply only to persons who solicit work and to persons engaging in a business or profession regulated under the provisions of this Chapter, but in no event shall it be construed so as to apply to any person employed by the owners or others in possession of property to work under his supervision as an employee in grafting, spraying, dusting cotton or other similar work."

Section 6.—SEVERABILITY. The provisions of this Act are severable. If any part of the Act is declared to be invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 7.—EFFECTIVE DATE. This Act shall become effective on October 1, 1969.

Approved September 12, 1969.

Time: 5:04 P.M.

Act No. 797

H. 972—McDonald, Starnes

AN ACT

To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax collector of each of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census, the tax collector shall be allowed \$1,800 a year as expenses, which allowance shall be in addition to all other allowances heretofore provided by law. The allowance shall be paid in equal monthly installments from the general funds of the county, and the payment of said allowance shall be discontinued at the expiration of the present six-year term of said office.

Section 2. This Act is cumulative and shall take effect October 1, 1969.

Approved September 12, 1969.

Time: 5:05 P.M.

Act No. 798

H. 973—Starnes, McDonald

AN ACT

To apply only in counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census; providing additional expense allowances for the tax assessor of each of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census, the tax assessor shall be allowed \$1,800 a year as expenses, which allowance shall be in addition to all other allowances heretofore provided by law. The allowance shall be paid in equal monthly installments from the general funds of the county, and the payment of said allowance shall be discontinued at the expiration of the present six-year term of said office.

Section 2. This Act is cumulative and shall take effect October 1, 1969.

Approved September 12, 1969.

Time: 5:06 P.M.

Act No. 799 H. 975—Hobbie, Cameron, Harris, Foshee,
Springer, Nettles, Headley,
McElhaney, Jackson (F), Harper,
Lemley, Owen (Baldwin),
Williams, Slate, Owens (W),
Turnham, Paulk, Ellis, Kilgore,
Culver, Money, Burgess, Brannan,
Grayson

AN ACT

Providing further for payment of the salaries of State officers and employees, amending Section 148, Title 41, Code 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Section 148, is hereby amended to read as follows:

Section 148. The salaries of all officers and employees of the State of Alabama shall be payable bi-weekly except where the day on which such salaries are payable is a holiday such salaries shall be payable on the last working day preceding such holiday. Provided, however, that the first payment under such plan shall be made on October 17, 1969, for the payment of salaries accruing through October 14, 1969, and payment shall be made bi-weekly thereafter. Every state officer or employee whose salary is fixed in accordance with the pay plan of the

State Merit System shall be entitled to receive one-half of his monthly salary as prescribed in the pay plan at the end of such pay period. The salary of every other officer or employee shall be payable bi-weekly and shall be an amount which is to be determined by dividing the number of pay periods in the fiscal year into his annual salary. Any unpaid salaries may be paid upon the expiration of the term of employment of the officer or employee. This section shall apply to the employees of the merit system for county health services in the Alabama Department of Public Health.

Section 2. If at the end of a fiscal year a pay period overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall be come effective on October 1, 1969.

Approved September 12, 1969.

Time: 5:07 P.M.

Act No. 800

H. 993—Owen (Baldwin), Brannan
AN ACT

To amend the title and Section 1 of Act No. 4 adopted at the 1956 Second Special Session of the Legislature, as heretofore amended, the said Act, as last amended, being entitled "An Act relative to municipalities in this state having a population of not less than 3,500 and not more than 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability

of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof", so as to make the said act applicable to all municipalities having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 4 adopted at the 1956 Second Special Session of the Legislature of Alabama, as heretofore amended, shall be and hereby is amended so that the said title shall read as follows:

An Act relative to municipalities in this state having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census; authorizing each such municipality to acquire property suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such property subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds in any agreement made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or securing thereof.

Section 2. Section 1 of the said Act No. 4 shall be and hereby is amended so that the said Section 1 shall read as follows:

Section 1. Definitions. Wherever used in this act, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall be given the following respective interpretations: "Municipality" means any incorporated city in this state having a population of not exceeding 100,000 inhabitants according to the last or any subsequent federal special or decennial census; "Project" means any land and any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; "Governing body" means the board or body in which the legislative powers of the municipality are vested; "Mortgage" means a mortgage or a mortgage and deed of trust.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:08 P.M.

Act No. 801

H. 990—McDonald

AN ACT

To amend Section 6 of Act No. 175 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore amended, so as to provide that if at any time any corporation organized thereunder or whose certificate of incorporation has been amended thereunder (regardless of whether it has ever issued any bonds) does not have any bonds outstanding, its Board of Directors may adopt a resolution declaring that such corporation shall be dissolved and that upon the filing for record of a certified copy of such resolution in the office of the Judge of Probate of the county wherein the certificate of incorporation of such corporation was filed, such corporation shall stand dissolved and title to any property and assets then owned by it shall (except as otherwise provided in Section 7 of said Act No. 175) vest in the municipality which authorized its incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 175 enacted at the 1951 Regular Session of the Legislature of Alabama, as heretofore amended, shall be and hereby is further amended to read as follows:

"Section 6. Bonds of corporation; municipality not liable; property reverts to municipality when free of debt.—All bonds issued by any such corporation organized or the certificate of

incorporation of which is amended under this act shall be signed by the chairman of the board of directors or other chief executive officer and attested by its secretary, and the seal of such corporation shall be affixed thereto; provided that, if authorized by the board of directors of such corporation, said bonds may be executed with an engraved, imprinted, stamped or otherwise reproduced facsimile of any signature or seal in lieu of a manually-made signature or manual impressment of the seal; provided, further, that at least one signature required or permitted to be placed thereon shall be manually subscribed. Any interest coupons applicable to the bonds of such corporation shall be signed by the chairman of the board of directors or other chief executive officer, but a facsimile of such signature may be impressed on any such interest coupon in lieu of his manually signing the same. Any such bonds may be executed and delivered by such corporation at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest payable and evidenced in such manner as may be provided by resolution of its board of directors. Any borrowing may be effected by the sale of such bonds at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors of such corporation to be most advantageous. Any bonds issued by such corporation may thereafter at any time (whether before, at or after the maturity thereof) and from time to time be refunded by the issuance of refunding bonds, which may be sold by such corporation at public or private sale at such price or prices as may be determined by its board of directors to be most advantageous, or which may be exchanged for the bonds to be refunded. The corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary and advantageous in connection with any financing done by it. All bonds issued by such corporation shall be construed to be negotiable instruments although payable solely from a specified source. All debts created and bonds issued by any such corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of any municipality. No municipality shall pledge its faith and credit for the payment of any debt incurred or bonds issued by such corporation. When any such corporation shall have borrowed money and issued its bonds payable from the revenues of its system or systems, it shall charge, collect and account for revenues from the operation of such system or systems sufficient to pay the principal of and the interest on said bonds as such principal and interest respectively mature, to pay the costs of operating and maintaining

such system or systems and to create and maintain any reserves or special funds which may be provided for in the proceedings authorizing the issuance of the bonds. Any such corporation shall apply all such revenues in the manner and for the purposes provided for in such proceedings. When the principal of and the interest on all bonds of such corporation payable from the revenues of any system owned by such corporation shall have been paid in full, then title to such system from the revenue of which the bonds are payable shall thereupon immediately vest in the municipality which authorized the incorporation of such corporation and such system shall become the property of such municipality, except as otherwise provided in the next succeeding section of this act. When title to all property owned by any corporation organized or the certificate of incorporation of which is amended under this act shall have vested in the appropriate municipality which shall be entitled thereto under this section and the next succeeding section of this act, then such corporation shall thereupon stand dissolved. Further, if at any time any such corporation does not have any bonds outstanding (regardless of whether it has ever issued any bonds), its board of directors may adopt a resolution, which shall be duly entered on its minutes, declaring that such corporation shall be dissolved; and upon the filing for record of a certified copy of such resolution in the office of the judge of probate of the county wherein the certificate of incorporation of such corporation was filed, such corporation shall stand dissolved, whereupon title to any property and assets then owned by such corporation shall (except as otherwise provided in the next succeeding section of this act) vest in the municipality which authorized the incorporation of such corporation. The formation of one or more corporations under the provisions of this act shall not prevent the subsequent formation hereunder of another corporation or corporations."

Section 2. This act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:09 P.M.

Act No. 802 H. 994—Melton, Fite, Wood, Lemley, Garrett,
Harris, McCorquodale, Owens (W),
Foshee, Headley, Springer

AN ACT

To authorize county governing bodies of the several counties to appoint a county engineer; to provide for his compensation; to provide for the qualifications and duties; and to provide for State participation in the salary of the county engineer.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 5, Title 12, as amended, of the Code of Alabama, 1940, shall be repealed in its entirety.

Section 2. Authorization to Appoint and Salary. The court of county commissioners or like governing bodies of the several counties shall be authorized to appoint a county engineer who shall engage in no other employment and the amount of whose salary shall be such sum as may be fixed by the governing body payable in equal monthly installments from county funds available for that purpose when properly entered into the minutes of the county governing body. The county may enter into a contract of employment or appointment to office of such engineer for a period of time not to exceed four years.

Section 3. Qualifications. The person appointed as county engineer within the meaning of this act shall be a registered professional engineer and land surveyor in Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways.

Section 4. Duties Under Supervision of County Governing Body. It shall be the duty of said county engineer, subject to the approval and direction of the county governing body, to: (1) employ, supervise, and direct such assistants as are necessary to construct and maintain properly the county public roads, highways, and bridges; (2) perform such engineering and surveying services as may be required to prepare and maintain the necessary maps, plans and records; (3) maintain the necessary accounting records to reflect the cost of constructing and maintaining the county highway system; and (4) perform such other duties as necessary and incident to the operation of the county highway system as directed by the county governing body.

Section 5. State Participation in Salary. When any county has established the office of county engineer the state highway director may, upon application of the county governing body, authorize the expenditure out of the available funds of the state highway department, an amount equal to one-half of the annual salary of such engineer, to such county, which shall apply to the payment of the salary of the engineer, with such payments to be made in equal monthly installments. It is provided, however, that the amount contributed or paid by the state highway department to any county, not including retirement contributions, shall not exceed \$6,000 in any one year. The state highway director may discontinue such payment after thirty days' notice in writing to the county governing body and to the county

engineer, unless otherwise agreed to in writing with the county by contract made and entered upon the records of the county governing body.

Section 6. Provisions for Civil Service or Merit System in Counties Having Such Systems. In those counties whose employees are governed by a civil service or merit system law, the provisions of such law shall remain in full force and effect.

Section 7. Not Mandatory. This chapter is not mandatory but is discretionary, remedial, cumulative, and provides additional authority for the betterment of all county public road systems.

Section 8. Effective Date. This act shall become effective on the first day of the month following its passage by the Legislature and approval by the Governor or its otherwise becoming law:

Approved September 12, 1969.

Time: 5:10 P.M.

Act No. 803

H. 1004—Merrill

AN ACT

To amend Act No. 531 adopted at the 1953 Regular Session of the Legislature of Alabama relating to pledges by municipalities, for the benefit of their securities, of that portion of the proceeds from any license, privilege or excise tax levied by local act apportioned and paid to such municipality, so that the said act shall hereafter apply to such taxes levied by any act; so as to provide that successive pledges of any such tax may be made on a parity with each other when the privilege so to do is reserved in proceedings of the municipality; and so as to ratify any pledges of the character authorized by the said act, as herein amended, that may have heretofore been made.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 531 adopted at the 1953 Regular Session of the Legislature of Alabama is hereby amended so that the said Section 1 shall read in its entirety as follows:

Section 1. In any case in which a municipality may hereafter issue any securities, including bonds, warrants, notes, and certificates of indebtedness, whether such securities are general obligations of the municipality or are payable solely from a special source, there may be pledged to the payment of the principal of and the interest on such securities all or any part of that portion of the proceeds from any license or privilege tax or excise tax levied by any act of the Legislature which may be apportioned and paid to such municipality; provided, however, that such pledge may be made only for the benefit of

securities issued for a purpose or purposes for which the tax proceeds so apportioned to any such municipality are permitted by any such act to be used. In any case in which a pledge is made under the provisions of this act, the securities for the benefit of which such pledge shall be made shall have preference over claims for salaries or other operating expenses or claims for any other purpose, and if more than one such pledge shall be made with respect to the same portion of any such tax proceeds so apportioned then such pledges shall take precedence in the order in which they are made; provided, that if in the proceedings authorizing any such securities and making any such pledge therefor, the municipality reserves the privilege of issuing additional securities secured on a parity of pledge with the securities authorized by the said proceedings, then such additional securities subsequently issued may be secured by such parity pledge in accordance with the provisions of the said proceedings in which the said privilege is reserved. Each pledge of the character authorized by this act that may have been heretofore made by any municipality for the benefit of any such securities heretofore issued by it is hereby ratified and confirmed.

Section 2. There is hereby ratified and confirmed each pledge heretofore made, for the benefit of any securities of any kind heretofore sold by any municipality, of any tax or portion thereof of the character referred to in Act No. 531 adopted at the 1953 Regular Session of the Legislature, as amended by this act; provided, that the provisions of this section shall not apply to any pledge which may have been held invalid by the Supreme Court of Alabama prior to the effective date of this act or the validity of which shall on the effective date of this act be questioned in any suit then pending in any court in this state.

Section 3. If any provision of this act shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision hereof that is not in and of itself invalid.

Section 4. This act shall become effective upon its passage by the Legislature and approval by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:11 P.M.

Act No. 804

H. 1008—Springer, McElhaney, Cameron,
Hobbie, Harris

AN ACT

To amend Act No. 165, No. 215, 1965 Special Session, Vol. I, page 216, approved March 30, 1965, relating to counties having a population of not less than one hundred fifty thousand nor more than three hundred thousand, fixing the fee for the issuance of a pistol permit by the Sheriff, and providing for the disposition and use of such fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 1 of Act No. 165, H. 215, Special Session of the Legislature of 1965, Vol. I at page 216, approved March 30, 1965, to read as follows:

"Section 1. In all counties having populations of not less than one hundred fifty thousand nor more than three hundred thousand, according to the most recent Federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama, Tit. 14, Sec. 177, shall be \$5.00, which shall be collected by the Sheriff and deposited in the County Treasurer. One-fifth of the amount of each fee collected shall be credited to a special fund or account in the County Treasury and shall be used exclusively by the Sheriff for emergency purposes, in such amount that may be determined by the Court of County Commissioners, Board of Revenue, or other like governing body of the County; three-fifths of the amount of each fee collected shall be credited to the County's portion of contribution for Class II employees, under any retirement plan in effect in said County; the remaining part of each fee collected shall be credited to the General Fund of the County."

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:12 P.M.

Act No. 805

H. 1016—Crawford, Stenbridge

AN ACT

RELATING TO ADDITIONAL COMPENSATION PAID OFFICIAL COURT REPORTER IN ALL CIRCUITS COMPOSED OF TWO COUNTIES, HAVING TWO CIRCUIT JUDGES, AND IN WHICH ONE COUNTY HAVING A POPULATION OF NOT LESS THAN 50,000 NOR MORE THAN 51,000 ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. The Official Court Reporter in all Circuits composed of two Counties, having two Circuit Judges, and in which one County having a population of not less than 50,000 nor more than 51,000 according to the most recent Federal decennial census shall receive, in addition to all other compensation provided by law an additional compensation of \$600.00 per annum, which shall be payable in equal monthly installments by the Counties composing the Circuit, each County to pay its pro rata of such salary based upon the assessed value of all taxable property of such County for the preceding year on certificates issued by the Judge of the Circuit in favor of such Reporter for the amount due by the County each month.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:13 P.M.

Act No. 806

H. 1018—House, Drake

AN ACT

Relating to judicial circuits composed of one county which county has a population of not less than 47,000 and not more than 49,000 and which county has two courthouses; authorizing the district attorney of such circuit to appoint a secretarial assistant; to prescribe the powers, duties and compensation of such assistant; and to provide for the payment of his compensation out of the general fund of the county composing such circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney of each judicial circuit composed of only one county which county has a population of not less than 47,000 and not more than 49,000 according to the most recent federal decennial census, and which county has two courthouses where court is regularly held, is hereby authorized and empowered to appoint a secretarial assistant who shall serve at the pleasure of the said district attorney. Such assistant shall perform such secretarial and stenographic duties as the district attorney may direct and shall be stationed in the office of the district attorney in the courthouse located at the county seat and shall keep such office open for work each day of the week excepting Sunday, Thursday afternoon and Saturday afternoon. Such assistant is hereby authorized to take affidavits for the prosecution of misdemeanors committed in the county and to issue the writs on such affidavits.

Section 2. The compensation of the secretarial assistant authorized herein shall be fixed by said district attorney at a

sum not exceeding \$4,800.00 per annum, and shall be paid in equal monthly installments from the general fund of the county on the requisition of the district attorney.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:14 P.M.

Act No. 807

H. 1035—Robertson, Brown

AN ACT

TO ALTER OR REARRANGE THE BOUNDARY LINES OF THE CITY OF NORTHPORT, TUSCALOOSA COUNTY, ALABAMA, SO AS TO INCLUDE WITHIN THE CORPORATE LIMITS OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS THERETO, IN TUSCALOOSA COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Northport, in Tuscaloosa County, State of Alabama, be and the same hereby are altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Northport and in addition thereto the following described territory, to-wit:

Parcel One:

Begin at a point 100 feet North of the Old U. S. Highway 82 Right-of-Way on the present city limits of Northport and proceed in a Westerly direction parallel with the Old U. S. Highway 82 Right-of-Way across land belonging to Joe Shirley to land belonging to A. S. A. Roundtree; this land lies 853.31 feet West of the Southeastern corner of the Northwest quarter of the Southwest quarter of Section 16, Township 21 South, Range 10 West; at property line turn North and proceed for a distance of 366.69 feet parallel to said section lines; turn West and proceed for a distance of 466.69 feet to Western side of the Northwest quarter of the Southwest quarter of Section 16, Township 21 South, Range 10 West; thence proceed along said line in a Southerly direction for a distance of 366.69 feet; thence turn West on a line 100 feet North of Old U. S. Highway 82 Right-of-Way and proceed to the intersection with the East boundary of the M. A. Chism Subdivision as recorded in Plat

Book 5 at Page 186 and Page 156; thence Northerly and thence Westerly around M. A. Chism Subdivision to the intersection with Van deGraff Airport property line; thence in a Southerly direction along airport property line to the intersection with the center line of River Road; thence in a Southwesterly direction along airport to a point on line with the Western boundary of the Carter Subdivision No. 2 as recorded in Plat Book 7 at Page 4; thence around the Carter Subdivision No. 2 to the Southeast corner of said subdivision; thence turn South along Eastern line and continue South for a distance of 150 feet; thence turn in an Easterly direction and run for a distance of 430 feet; thence turn North parallel to the Eastern boundary line of Carter Subdivision No. 2 and run a distance of 467 feet back to the intersection with River Road right-of-way; thence Northeasterly along the right-of-way to intersection with Old U. S. Highway 82 right-of-way; thence Easterly along right-of-way to the Intersection with Northport city limits, all of the above real property being located in Tuscaloosa County, Alabama.

Parcel Two:

Begin at the Northeast corner of Section 8, Township 21 South, Range 10 West and run thence South 5° East along the section line for a distance of 358 feet to the actual point of beginning, which is the Northeast corner of this parcel of property; thence continue to run in a Southern direction along the section line for a distance of 113.2 feet to a point which is another corner of this parcel of property; thence turn right 59° and 5' and run in a Southwestern direction in a straight line to a point on the East or Northeast boundary line of U. S. Highway No. 43; thence turn in a Northern or Northwestern direction along the East or Northeastern boundary line of the right-of-way of U. S. Highway 43 to a point which is 105 feet on a perpendicular from the Southeast boundary line of this parcel of property; thence run in a Northeastern direction for a distance of 475 feet; more or less, to the first named corner of this parcel of property. It is the intention to herein describe and convey a parcel of land which is 105 feet in width, the strip being no wider than 105 feet in any place.

Parcel Three:

Start at the Southeast corner of Lot No. One of Vestavia Hills Subdivision, as recorded in Plat Book 7 at Pages 177 and 178, and run at right angles to Hunter Creek Road for a distance of 80 feet to the East margin of the road, being the point of beginning, which is the Southwest corner of the lot belonging to Robert Hamner; thence turn left 90 degrees and run 80 feet to the Northwest corner of Lot herein described;

thence turn right $92^{\circ} 4'$ and run a distance of 163.2 feet to the Northwest corner; thence turn right $86^{\circ} 4'$ and run a distance of 80 feet to the Southwest corner; thence turn right $93^{\circ} 56'$ and run to the point of beginning, all being in the Southeast quarter of the Northeast quarter of Section 10, Township 21 South, Range 10 West in Tuscaloosa County, Alabama.

Parcel Four:

Begin at the Northwest corner of the Northeast One-Fourth of the Southwest One-Fourth of Section 10, Township 21 South, Range 10 West, and run in a Southern direction along the West boundary line of the said Northeast One-Fourth of the Southwest One-Fourth for a distance of 426.1 feet to a point which is in the center of 28th Street in the City of Northport, Alabama; thence run in an Eastern direction along the center line of 28th Street for a distance of 298 feet to a point, which is the Southwest corner of this parcel of property; thence continue to run in an Eastern direction along a prolongation of the center line of 28th Street for a distance of 300 feet to a point; which is the Southeast corner of this parcel of property; thence turn left 90° and run in a Northern direction for a distance of 671 feet to a point on the Southern boundary line of the right-of-way of U. S. Highway No. 82 (sometimes called U. S. Highway 82 By-Pass), which point is the Northeast corner of this parcel of property; thence return to the Southwest corner of this parcel of property and run in a Northern direction, making an inside angle of 90° and along the East boundary line of Longview Subdivision, a map or plat of which is on record in the Probate Office of Tuscaloosa County, Alabama, in Plat Book 10 at Page 31, for a distance of 719.6 feet to a point on the Southern boundary line of the right-of-way of U. S. Highway No. 82; thence run in an Eastern direction and along the Southern boundary line of the right-of-way of U. S. Highway No. 82 for a distance of 303 feet, more or less, to the Northeast corner of this parcel of property.

Parcel Five:

Lot Number Eleven (11) of the Five Points Subdivision Survey by Mr. E. L. Hendrix for J. R. Faucett, recorded on Page 196 in Plat Book 5 and dated February 8, 1947, located in the Northwest quarter of the Northwest quarter of Section 9, Township 21 South, Range 10 West in Tuscaloosa County, Alabama.

Parcel Six:

A certain lot or parcel of land containing two acres, more or less, in the Northeast Quarter of the Northeast Quarter of

Section 9, Township 21, Range 10 West, described more particularly as follows: Beginning at the Southwest corner of the said Forty acre tract, run thence North four chains; thence East five chains; thence South four chains; thence West five chains to the point of beginning, being the same property conveyed to Will High by Frank Rice by deed dated November 2, 1923, less one acre, sold to John Jackson.

Parcel Seven:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 10, Township 21 South, Range 10 West, which is the point on the line of the present city limits; thence around the perimeter of the Northeast Quarter of the Northeast quarter so as to include this forty (40) acres, complete.

Parcel Eight:

Begin at point where the East boundary line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 16, Township 21 South, Range 10 West intersects South right-of-way line of G. M. & O. R. R.; thence SE along railroad right-of-way a distance of 415.5 feet to a point; thence a deflection angle of $118^{\circ} 21'$ and proceed SW a distance of 408.8 feet to a point; thence turn a deflection angle of $45^{\circ} 9'$ to right and run a distance of 820.9 feet to point. Thence turn a deflection angle to right $92^{\circ} 00'$ and run a distance 615 feet North to a point on South right-of-way line of G. M. & O. R. R.; thence turn a deflection angle of $104^{\circ} 30'$ to the right and run a distance of 721.5 feet back to point of beginning.

The property described herein is Quinntown Subdivision, a plat of which is recorded in Plat Book 6 at Page 26 in the Probate Office of Tuscaloosa County, Alabama.

Parcel Nine:

Beginning at the Northeast corner of the Carriage Hills Subdivision as recorded in Plat Book 10 at Page 55, which subdivision is incorporated in the present City Limits.

Thence North along the Section line between Sections 10 and Section 11 to the South right-of-way line of U. S. 82 By-Pass;

Thence West along the South right-of-way line of said highway to the point where the West line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ intersects the South right-of-way line, said point being in the present City Limits.

Said property being in Section 10, Township 21 South, Range 10 West.

Parcel Eleven:

Start at Southwest corner of the SE $\frac{1}{4}$ of Section 10, Township 21 South, Range 10 West, Tuscaloosa County, Alabama, run North along West SE $\frac{1}{4}$ line to the North right-of-way of Park Street to the point of beginning, run North along SE $\frac{1}{4}$ line for a distance of 800' more or less to a point, then turn in a North-Northeasterly direction and run for a distance of 174 feet more or less to the NW corner of a 2 acre Parcel belonging to Mrs. Ruth Hyche, thence run along NW property line for a distance of 210 feet to Northmost corner of said Parcel, then turn a $90^{\circ} 00'$ angle right and run for 420 feet to North boundary of Park Street, then run along said North boundary of said Park Street in a Southwesterly direction to point of beginning.

Parcel Twelve:

From the SW corner of the SE $\frac{1}{4}$ of Section 10, Township 21, Range 10, Tuscaloosa County, Alabama, run Westwardly along the South boundary line of said Section 10 and the North boundary line of Section 15 ten feet to the point of beginning; thence at a deflection angle of $70^{\circ} 45'$ to the right 119 feet along the Eastern boundary line of the property devised herein above to George Rose, Erin Cruse Rose, and Annie Lou Rose, to a point on the South margin of the new Watermelon Road; thence 39 feet in an Easterly direction along the South margin of the new Watermelon Road to a point on the half-section line, thence South along the half-section line a distance of 20 feet to a point; thence at a deflection angle of $136^{\circ} 25'$ to the left run 254 feet to a point on a small branch; thence follow the direction of the center of said branch to a point which is at a distance of 165 feet at a deflection angle of $79^{\circ} 50'$ to the right; thence at a deflection angle of $62^{\circ} 15'$ to the right run a distance of 286 feet to a point on the South boundary line of said Section 10 and the North boundary line of said Section 15, which point is 272 feet from the SW corner of the SE $\frac{1}{4}$ of said Section 10; thence run in an Easterly direction along the South boundary line of Section 10 and the North boundary line of Section 15 149.4 feet to a point; thence at a deflection angle of $133^{\circ} 45'$ to the right run 445.8 feet to a point; thence at a deflection angle of $113^{\circ} 10'$ to the right run 343 feet along the Eastern boundary line of the George Rose, Erin Cruse Rose and Annie Lou Rose tract to the point of beginning.

LESS AND EXCEPT:

That part conveyed to George Rose by Viola R. Holcomb and her brother, Joseph E. Rose in 1959.

Parcel Thirteen:

Beginning at the point where Hargrove Creek crosses U. S. Highway 82 By-Pass (Present City Limit) a strip of land 200 feet wide inside the right-of-way of Highway 82 and extending to the West along this right-of-way a distance of 9,800 feet to the Flatwoods Road.

Parcel Fourteen:

Parcel A: Begin at the Northeast corner of lot formerly deeded to John Cooper Turner, from Morgan Turner, recorded in Deed Book 156 Page 96, thence back sight along North line and turn right 101 degrees and 57 minutes and run 271.5 feet to the Northwest corner of lot formerly sold to Ruth Hyche, thence turn left 90 degrees 00 minutes and run 174 feet, more or less, to half Section line, thence South along one half Section line 800 feet, more or less, to North margin of Watermelon road, thence Northeastward along North margin for a distance of 298 feet, more or less, to the Southwest corner of John Cooper Turner lot, thence North 36 degrees West 294 feet, thence turn right 90 degrees 00 minutes and run 175 feet to point of beginning.

Parcel B: All of the quarter moon shaped piece of land South of new Watermelon Road built in 1941 and North of old road or land sold to Mr. Rose by Mr. Morgan Turner, being the parcel of land cut off of Morgan Turner land by new road located North of old road. All of the above two parcels being in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, Township 21, South, Range 10 West, Tuscaloosa County, Alabama.

Beginning at the South center line of Section 10, Township 21, Range 10, and running North for a distance of 600 feet to a point, and then at an angle of 57 degrees, and 32 minutes to the right a distance of 150 feet to a corner or beginning point—using this point as a starting point for the property sold—at an angle of 90 degrees to the left, running a distance of 50 feet which point is the NW corner of said acre of ground, turn thence at an angle of 90 degrees, right and running a distance of 175 feet to the NE corner; thence at an angle of 90 degrees to the right running a distance of 220 feet south; thence along the North boundary of the Watermelon Road a distance of 190 feet more or less, and then North a distance of 244 feet to the point of beginning. This line is parallel to the eastern line.

Begin at Southeast corner of lot sold to J. C. Turner in 1929, and run North 32 degrees and 30 minutes East along the Watermelon Road 230 feet; thence run Westward at right angle to said road along West line of Ruth Hyche's 2 acres 420 feet to Northwest corner of 2 acres; thence South 24 degrees and 30

minutes East 271.5 feet along line of J. C. Turner lot to pipe; thence left 11 degrees and 57 minutes and run along the J. C. Turner lot 220 feet to point of beginning. Being 1.06 acres.

To find the point of beginning commence at the Southeast corner of the J. C. Turner property and run North 32 degrees 30 minutes East along the North side of Watermelon Road for a distance of Two Hundred Thirty (230) feet to the Southwest corner of the property herein conveyed; turn thence at an angle of Ninety degrees to the left and run Northwest a distance of 420 feet to a point; turn thence at an angle of Ninety degrees to the right for a distance of 210 feet; run thence through an angle of Ninety degrees to the right for a distance of 420 feet to a point on the North side of the Watermelon Road; thence run Southeast through an angle of Ninety degrees to the point of beginning, containing two acres, more or less. All being in the Southwest Quarter of the Southeast Quarter of Section 10, Township 21, Range 10 West. Said land lying and being in Tuscaloosa County, Alabama.

Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 10, Township 21, Range 10 West (except two acres deeded heretofore to D. L. Christian or his wife and to Martha J. Crowder. Being thirty eight acres more or less lying in Tuscaloosa County, Alabama.

Parcel Fifteen:

Lot #3A of Five Points Subdivision as recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama.

Parcel Sixteen:

All of Lot Number Forty-three (43) of Five Points Subdivision near Northport, Alabama, as shown and designated on a plat recorded in Plat Book 5, on Page 196 in the Probate Office of Tuscaloosa County, Alabama, reference to said plat or map being made in the aid of and as a part of this description.

Parcel Seventeen:

Begin at the Northeast corner of the Northeast One-Fourth of the Northeast One-Fourth of Section 8, Township 21 South, Range 10 West, and run in a Southern direction along the section line for a distance of 584.4 feet to a point, which is the first-named corner of this parcel of property; thence turn right $59^{\circ} 5'$ and run in a Southwestern direction in a straight line to a point on the East or Northeast boundary line of U. S. Highway 43; thence run in a Southeastern direction along the East or Northeastern boundary line of U.S. Highway 43 for a

distance of 355 feet to a point on the East boundary line of said Section 8; thence run in a Northern direction along the East boundary line of said Section 8 for a distance of 405.6 feet to the first-named corner of this parcel of property.

Parcel Eighteen:

Lots Number 44, 45, and 46 of the Five Points Subdivision as shown by that certain map or plat being Plat Book 5 at Page 196, recorded in the Probate Office of Tuscaloosa County, Alabama, reference to which is made in aid of and as a part of this description.

Parcel Nineteen:

Lots 24 and 25 of Five Points Subdivision, recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama, which map or plat book is made reference herein as if set out verbatim herein.

Parcel A:

The South 60 feet of Lot 23 of Five Points Subdivision, recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama.

Parcel B:

Begin at the Southeast corner of said Lot 23 of Five Points Subdivision, recorded in Plat Book 5 at Page 196 in the Probate Office of Tuscaloosa County, Alabama; thence run West 142.6 feet to the East margin of Byler Road; thence run South on an angle of 42 degrees 30 minutes East along the margin of Byler Road 94.4 feet; thence turn left and run 107 feet to the point of beginning.

Parcel Twenty:

Lot No. 5 of Five Points Subdivision a map or plat of which is recorded in Plat Book 5 at Page 196 which said map or plat is hereby used in aid of and as a part of this description; said plat is recorded in Probate Office of Tuscaloosa County, Alabama.

Parcel Twenty-one:

Tract A:

Begin at the Watermelon Road and then run North 300 feet along the Section line; thence run East 185 feet; then run South 220 feet; thence run West 190 feet along said road to point of beginning.

Tract B:

Begin 205 feet North of SW corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and thence run North along section line 215 feet; then run East 210 feet; then run South 215 feet; thence West to point of beginning for 210 feet.

Tract C.

Begin at a point 210 feet East of the SW corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and run thence South a distance of 80 feet to the point of beginning and being the NW corner of the property herein described; run thence further South to the North boundary of the Old Watermelon Road; thence East along the North boundary of said road a distance of 150 feet to point, thence North and parallel to the West section line of said Section 11, to a point that is 80 feet south of South boundary line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11, thence run in a westerly direction and parallel to the South boundary of said One-Fourth section to the point of beginning.

Begin at a point 210 feet East of the SW corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, run thence South 80 feet to the NW corner of the property, sold to Elmer Christian by the same grantors; run thence East parallel to North boundary line of One-Fourth section of the NE corner of property sold to Christian by grantors; run thence North parallel to the West line of Section 11 to a point on the South boundary line of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, thence West along the South boundary line of One-Fourth section to the point of beginning, also a 25 foot right-of-way across the West side of the property therein conveyed from the Old Watermelon Road to the 80 foot lot above described.

Tract D:

Begin at a point 210 feet East of the SW corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$; run thence South parallel to the West Section Line a distance of 297 feet to the Watermelon Road; thence East along the North boundary of said road 150 feet to the point of beginning; thence North parallel to One-Fourth section line of the South boundary line of U. S. Highway 82 By-pass; thence run East 115 feet; thence run South parallel with the One-Fourth section line to the point of beginning.

Section 2. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:15 P.M.

Act No. 808

H. 1036—Watkins, Gafford, Cook (Jeff.)
 Meeks, Waggoner, Kilgore,
 Ellis, House, Money, Jackson
 (T), Dill, Adwell, Bowers

AN ACT

To provide that upon a municipality annexing any district created under Act No. 79 of the Special Session of the Legislature of 1966 to fight or prevent fires, or to fight or prevent fires and collect and dispose of garbage, persons employed by the district to fight fires shall become employees of such municipality subject to the conditions stated in this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and terms shall have the meanings hereby ascribed to them: "Act 79" means Act No. 79 of the Special Session of the Legislature of 1966 approved August 17, 1966 (Alabama Acts, 1966, p. 106-112), as heretofore or hereafter amended; "district" means a district created pursuant to Act 79; "annexation" means the annexation to a municipality of unincorporated territory which includes an entire district; "annexing municipalities" means the municipality to which a district is annexed; "firefighter" means a person regularly employed by a district to fight fires; "the authorized agency" shall mean that officer, or that body, empowered to classify positions held by employees of the annexed municipality and to establish the salary schedules attached to, or provided for, such positions.

Section 2. (a) In the event a municipality annexes a district, the firefighters shall become employees of such municipality, subject to the conditions of subsections (b), (c) and (d), below.

(b) The employment of a firefighter by the municipality shall commence on the fifth day subsequent to the annexation, unless the employment is terminated prior to that date; provided, however, that immediately upon annexation any firefighter may become the employee of the municipality by agreement between the municipality and him.

(c) The annexing municipality shall have the same power to terminate the employment of the firefighter as it has generally to terminate the employment of persons holding municipal positions. If the annexing municipality is subject to any civil service law, the firefighters shall be deemed to have been appointed to their positions with the municipality on the fifth day following annexation, within the meaning of the provisions of the civil service law governing probationary employment or probationary employees.

(d) Within five days following the annexation the municipality will assign to positions in the municipal fire department firefighters whose employment the municipality does not terminate within said five day period, or will prescribe their duties in the municipal fire department. The authorized agency will classify the municipal positions held by the firefighters and will establish the salary for those positions.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective on the first day of the second month next following its passage and approval by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:17 P.M.

Act No. 809

H. 1037—Watkins, Cook (Jeff.), Dill,
Kilgore, Money, Sessions,
Yeilding, House, Ellis, Weeks,
Meeks, Waggoner, Adwell

AN ACT

TO REPEAL ACT NO. 558, HOUSE 1070, REGULAR SESSION, 1931, (ACTS 1931, p. 1653), AS AMENDED, WHICH RELATES TO THE JEFFERSON COUNTY BOARD OF COSMETOLOGICAL EXAMINERS.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 558, House 1070, Regular Session, 1931, (Acts 1931, P. 1653), as amended, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law and further upon ratification by a vote of the majority of the cosmetologists of Jefferson County who are the holders of a current valid license issued by the Jefferson County Board of Cosmetological Examiners voting in such referendum; such referendum to be called by the Jefferson County Commission and held and supervised by the Judge of Probate of such county no sooner than sixty (60) days nor later than one hundred and twenty (120) days after the last day of the 1969 legislative session.

Approved September 12, 1969.

Time: 5:16 P.M.

Act No. 810

H. 1038—Watkins, Meeks, Cook (Jeff.),
Dill, Kilgore, Money, Sessions,
Yeilding, House, Ellis, Weeks,
Waggoner, Adwell

AN ACT

TO AMEND TITLE AND SECTION 19 1/2 AND TO REPEAL SECTION 32 OF ACT NO. 78, SPECIAL SESSION, 1961, (ACTS OF ALABAMA OF 1961, P. 1955), AS AMENDED, WHICH ACT REGULATED THE TEACHING AND PRACTICE OF COSMETOLOGY IN ANY COUNTY HAVING A POPULATION OF LESS THAN 600,000 ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS AND CREATING A STATE BOARD OF COSMETOLOGY SO AS TO REGULATE FURTHER SUCH TEACHING AND PRACTICES AND THE REGISTRATION AND LICENSE FEES THEREFOR SO AS TO MAKE SUCH ACT APPLICABLE TO ALL COUNTIES OF THE STATE OF ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. The Title of Act No. 78, Senate 72, Special Session, 1961, (Acts 1961, P. 1955), as hereby amended to read as follows:

To regulate the teaching and practice of cosmetology.

Section 2. Section 19½ of Act No. 78, Senate 72, Special Session, 1961, (Acts 1961, P. 1955), as amended, is hereby amended to read as follows:

Any person in any county having a population in excess of 600,000 according to the 1960 Federal Decennial Census, not heretofore subject to the provisions of Act No. 78, Special Session, 1961, as amended, who, at the time of the passage of this Act or prior thereto had practiced within such county cosmetology or any of its practices as a cosmetologist, and as such was at the time of the passage of this Act acting as an instructor, managing cosmetologist, or owner of a beauty shop, or school of cosmetology, and any person from any such county who at the time of the passage of this Act and for at least six (6) months immediately prior thereto had been in the continuous and actual practice of cosmetology or any of the practices thereof, in established places of business or beauty shop or school of cosmetology within such counties as a cosmetologist, and not as an apprentice or student, shall be registered by the Alabama Board of Cosmetology, ("the Board"), and shall receive a license to practice and follow the profession of cosmetology to the same extent and in the same capacity as such person had practiced or is practicing cosmetology or any of the practices thereof as a cosmetologist, instructor, managing cosmetologist, or owner. Such certificate and license shall be issued by the Board without an examination, and such person shall also be exempt from the

qualifications heretofore set out as to education or age. Any person from any such county studying at the time of passage of this Act to become a student instructor or studying the occupation of cosmetology or any practice thereof in a school of cosmetology shall receive credit for the time and hours spent in such; provided that the person or persons to be exempted under this section as provided herein above and provided that the student to be credited as herein above provided shall within ninety (90) days after the passage of an approval of this Act file with the Board an application upon a form prescribed and furnished by the Board for a license to practice or to follow the practice or practices in the same capacity as shall have been followed by him prior thereto or for a certificate or credits as a student. Such application shall be accompanied by an affidavit sworn to before a notary public or an officer authorized to administer oaths, and shall be signed by the applicant, stating the practices followed by him prior thereto or the study pursued, and further providing that such application be accompanied by the required renewal fee as provided in Section 16 of Act No. 78, Special Session, 1961, as amended. Any license or certificate so issued shall thereafter be renewable as provided in this Act and upon the payment of the renewal fees as provided for in this Act.

Section 3. Section 32 of Act No. 78, Senate 72, Special Session, 1961, (Acts 1961, P. 1955), as amended, and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law and further upon ratification by a vote of the majority of the cosmetologists of Jefferson County who are the holders of a current valid license issued by the Jefferson County Board of Cosmetological Examiners voting in such referendum; such referendum to be called by the Jefferson County Commission and held and supervised by the Judge of Probate of such county no sooner than sixty (60) days nor later than one hundred and twenty (120) days after the last day of the 1969 legislative session.

Approved September 12, 1969.

Time: 5:18 P.M.

Act No. 811

H. 1042—Neville, Paulk

AN ACT

To regulate the salary of the jailer in Macon County, payable out of the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The jailer appointed by the sheriff of Macon County shall receive a salary not to exceed \$200 per month. Such salary shall be fixed by the court of county commissioners or like governing body of the county and shall be payable in equal installments out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:19 P.M.

Act No. 812

H. 1043—Neville, Paulk

AN ACT

To amend further Act No. 299, H. 630, Regular Session 1953 (Acts 1953, p. 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 290, H. 630, Regular Session 1953 (Acts 1953, p. 360) entitled "An Act Relating to Macon County; providing for deputies sheriff and the amount and payment of their compensation," is hereby further amended to read as follows:

"Section 1. The sheriff of Macon County shall have and appoint one chief deputy and two additional deputies whose compensation shall be paid as herein provided: The chief deputy shall be entitled to a salary of not more than four hundred fifty dollars a month; one of the additional deputies shall be paid a salary of not more than four hundred dollars a month, and the other one shall be paid a monthly salary of not more than three hundred fifty dollars. Such salaries shall be fixed by the court of county commissioners, board of revenue, or like governing body of Macon County and shall be paid at the discretion of the county governing body from either the highway and traffic fund or the general fund of the county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:20 P.M.

Act No. 813

H. 1044—Neville, Paulk

AN ACT

To provide a clerk hire allowance for the sheriff of Macon County, payable out of the general funds of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue or other like governing body of Macon County shall provide an allowance not to exceed \$100 per month to the sheriff of Macon County for clerk hire. The amount of such allowance shall be determined by the county governing body and shall be payable out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:21 P.M.

Act No. 814

H. 1046—Neville, Paulk

AN ACT

Relating to Macon County; fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Macon County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars (\$5.00), and shall be collected by the sheriff.

Section 2. Three dollars of each fee so collected shall be deposited in the general fund of Macon County, and two dollars shall be deposited into a fund to be designated The Sheriff's Fund, to be used by the sheriff for the betterment of law enforcement within the county.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:22 P.M.

Act No. 815

H. 1045—Neville, Paulk

AN ACT

Relating to Macon County; amending further Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225) which created and established the board of revenue of Macon County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 334, H. 826, Regular Session 1939 (Local Acts 1939, p. 225), the act which created and established the board of revenue of Macon County, is further amended to read as follows:

"Section 10. The members of the Board of Revenue, including the chairman, shall each be entitled to receive a monthly salary of three hundred fifty dollars for the performance of their duties, to be paid out of the county treasury on the certificate or warrant of the chairman. In addition each member shall be entitled to ten cents per mile for each mile traveled on official business, but the total mileage allowance claimed by or paid to any member for any calendar month shall not exceed one hundred dollars; except that when authorized by the Board, the members shall in addition be entitled to a mileage allowance of ten cents per mile for attending any state or national convention of the Association of County Commissioners of Alabama, or the National Association of Counties, or their successor organizations.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:25 P.M.

Act No. 816

H. 1051—Neville

AN ACT

To regulate further the recording and indexing of deeds, mortgages and other documents and instruments, which are public records, by the probate judge of Barbour County; To provide for the recording of all instruments in one general series of books in each separate division of the county; to provide that instruments will have effect only in the division wherein recorded; providing for the re-indexing of certain records filed heretofore in each of the separate divisions of the county and the placing of a copy of such index in the division where the instrument was not filed; and providing for the binding and maintenance of copies of certain maps in each division of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of the separate books now required to be kept by the judge of probate of Barbour County in each of his offices for the purpose of recording each kind or class of instrument which he is or hereafter may be required by law to record, said judge of probate shall, except as hereinafter provided, record all of these instruments in one general series of books in the Eufaula Division and one general series of books in the Clayton Division, called "Official Records." The series shall be numbered consecutively beginning with number one, except that the number on the books in the Clayton Division shall be preceded by the letter "C" and the number on the books in the Eufaula Division shall be preceded by the letter "E". Said instruments shall have effect only in the division of the county where recorded, and to be effective in both divisions must be recorded in both divisions. As used in this section the terms "Eufaula Division" and "Clayton Division," mean and refer to the divisions of Barbour County provided for and defined in Sections 2 and 3 of Act No. 620 of the Regular Session of 1961, (Acts, 1961, p. 735).

Section 2. In lieu of separate indexes for each kind or class of instrument, a general alphabetical index, direct and reverse, to any or all kinds or classes of instruments shall be kept by the judge of probate.

Section 3. The recording of instruments in "Official Records" as set forth in section 1 imparts notice in like manner and effect as if the instruments were recorded in separate books.

Section 4. Certificates of judgments and other certified decrees recorded in the "Official Records" shall become liens on the real estate of the defendants in the division of the county where the same are recorded in the same manner as if recorded in the judgment record as provided by Article 8 of Title 7 of the Code of Alabama.

Section 5. The probate judge may make notations of mortgage assignments and satisfactions on the margin of the record of the mortgage or lien satisfied or assigned. He may, in his discretion, require that assignments and satisfactions be made by separate recorded instrument.

Section 6. The direct index provided for in section 2 shall embrace, at least, the following features, and should be so ruled: Grantor, grantee, instrument, date of instrument, date of filing, where recorded, volume, page, brief abstract of description. The reverse index, shall embrace at least the following features, and shall be so ruled: Grantee, grantor, instrument, date of instrument, date of filing, where recorded, volume, page, brief abstract of description. The name of each

grantor (or defendant, in the case of judgments and liens) shall be indexed separately in the direct index, and the name of each grantee (judgment creditor, or lien claimant in the case of judgments and liens) shall be indexed separately in the reverse index. When the instrument contains a recital that a grantor is the heir of a named former owner or had a former stated name, such former owner or former name shall be indexed separately in the direct index with a parenthetical explanation; e. g. Doe, John (Heirs) or Doe, Jane (now Jane Smith).

Section 7. Whenever deemed advisable by the county governing body, the probate judge shall, at the expense of the county, have all or a portion of the instruments which were recorded prior to the effective date of this Act indexed to date as is indicated herein, or in a manner substantially similar thereto. Within 90 days after the date on which this Act becomes law, the probate judge shall make for the county governing body a detailed estimate of so indexing prior records, so that the said governing body may consider the feasibility of authorizing the expense of so indexing all or various portions of the same.

Section 8. For the additional duties required of the probate judge in recording the brief abstract of description in documents, he shall be entitled to an additional fee of \$.25, for each name indexed for which the said brief abstract is required.

Section 9. The following documents and instruments shall be recorded and indexed as indicated, instead of in the manner set forth in section 1 herein, but shall have effect only in the division of the County where recorded, and to be effective in both divisions must be recorded in both divisions:

(a) Maps and Plats shall be recorded in Map Books and indexed both therein and in the index to "Official Records".

(b) Hospital Liens shall be recorded and indexed as provided in Article 15 of Title 33 of the Code of Alabama.

(c) Financing Statements shall be recorded and indexed as provided in Sections 9-401 - 9-406 of Act No. 549, S. 2, of the Regular Session of 1965, (Acts 1965, p. 811), [which now appears in Title 7A, at Sections 9-401 - 9-406 of the Code of Alabama].

(d) Charters, certificates of incorporation, other certificates and like documents relative to corporations, partnerships, professional associations and like entities shall be recorded in corporation books, and indexed in a corporation book index.

Section 10. Probate court records shall be indexed in accordance with laws pertaining to such Court.

Section 11. Indexing of records of towns, companies and corporations, and other entities, which have a name beginning with the word "The" or the word "Town" or "City" before them, shall be indexed under the name of the entity without the word "The", "Town", "City", listed; e.g., the Clayton Banking Company shall be indexed under the appropriate subdivision of the letter "C" and "The City of Eufaula" shall be indexed under the appropriate division of the letter "E". Agencies of the State of Alabama shall be indexed under the appropriate division of the letter "A" with Alabama and the name of the agency, and agencies of the city of Eufaula shall be indexed under the appropriate division of the letter "E" with Eufaula and the name of the agency. Churches shall be indexed under the appropriate place for the name of the church and also under the appropriate division of the letter "c" for church. In addition to the usual indexing, the book and page where patents are recorded shall be noted in the Alabama Tract Book.

Section 12. In order to give notice of the matters contained herein to members of the public who are using the records in the office of the probate judge, he shall keep a copy of this Act framed and on public display in a prominent place in each of his offices, and shall keep copies of this Act affixed to or printed on the inside cover of each index book.

Section 13. The probate judge may require that conveyances or other instruments tendered for filing state the division in which they are to be recorded before accepting such conveyances or other instruments for filing, but he shall not be responsible for seeing that said instruments are filed or recorded in the proper division.

Section 14. Within six months after the date on which this Act becomes law, the probate judge shall, at the expense of the county, index all records recorded in Clayton prior to the effective date of this Act, except those required to be recorded in Clayton by §3 of Act 620, Acts of 1961, page 735, and he shall place said index in his office in Eufaula.

Section 15. Within six months after the date on which this Act becomes law, the probate judge shall, at the expense of the County, index all records recorded in Eufaula prior to the effective date of this Act, except those required to be recorded in Eufaula by §3 of Act 620, Acts of 1961, page 735, and he shall place said index in his office in Clayton.

Section 16. Within 90 days after the date on which this Act becomes law, the Probate Judge at the expense of the county shall bind all right-of-way and highway maps of the County

which are on file in his office into well-bound books and shall index them and shall obtain and similarly bind a duplicate set of such maps and a duplicate of the Alabama Tract Book pertaining to Barbour County and shall place one set of such maps and one of such Tract Books in each of his offices.

Section 17. After the effective date of this Act, all highway and right of way maps which are required by law to be deposited in the office of the probate judge shall be deposited in duplicate and a copy recorded in a map book at each office.

Section 18. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this Act are repealed.

Section 20. The substantive provisions of this Act shall become effective January 1, 1970; however, this Act shall for the purpose of authorizing the judge of probate to obtain books, records and supplies needed to effectuate the Act, become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 12, 1969.

Time: 5:24 P.M.

Act No. 817

H. 1052—Neville, Paulk

AN ACT

To amend Section 1 of Act No. 38, H. 20, First Special Session 1963 (Acts 1963, p. 114) which act authorizes the board of revenue or like governing body of Macon County to levy a privilege or license tax on persons selling or distributing any malt or brewed beverages to retailers in Macon County; so as to increase the rate of the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 38, H. 20, First Special Session 1963 (Acts 1963, p. 114) relating to the privilege or license tax on distributors or sellers of malt or brewed beverages to retailers in Macon County is amended to read as follows:

“Section 1. The board of revenue or like governing body of Macon County may levy a privilege or license tax on all persons, corporations, co-partnerships, companies, agencies, and associations selling, distributing, or delivering to retailers in Macon County any malt or brewed beverages, (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume),

which tax shall be in an amount equal to not more than four cents on quantities of twelve fluid ounces or less, six cents on quantities of more than twelve but not exceeding sixteen fluid ounces, and eight cents on quantities of more than sixteen but not exceeding twenty-four fluid ounces; and four cents on each twelve fluid ounces or fractional part thereof in excess of twenty-four fluid ounces of malt or brewed beverages sold, delivered or distributed to retailers located in the county. The privilege or license tax herein authorized shall be in addition to all other taxes and licenses now or hereafter authorized or imposed by law."

Section 2. This act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:25 P.M.

Act No. 818

H. 1053—Neville, Paulk

AN ACT

Relating to Macon County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; and providing penalties for violations of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. All words, terms, and phrases that are defined in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, the state sales tax act, and in Code of Alabama 1940, Title 51, Chapter 20, Article 11, as amended, shall, where used in this act, have the meanings respectively ascribed to them in said Act No. 100 and Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes" means Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100, heretofore enacted which expressly set forth any exemptions from the computation of

the tax levied in said Act No. 100 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Act and the incidence and collection of the tax imposed therein;

"State sales tax" means the tax imposed by the state sales tax statutes;

"State use tax statutes" means Code of Alabama 1940, Title 51, Chapter 20, Article 11, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein.

"State use tax" means the tax imposed by the state use tax statutes;

"Registered seller" means the person registered with the State Department of Revenue pursuant to the state use tax statutes or licensed under the state sales tax statutes;

"Month" means the calendar month;

"Quarterly period" means the period of three months ending on the last day of each March, June, September, and December;

"Fiscal year" means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Section 2. There are hereby levied and imposed in Macon County, in addition to all other taxes of every kind now imposed by law, county privilege or license taxes to be determined by the application of rates against gross sales or gross receipts as the case may be, as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within Macon County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business. Any person engaging or continuing in business as a retailer and wholesale or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified when his books are kept, so as to show separately the gross proceeds of sales of each business, and when his books are not

so kept he shall pay the tax as retailer, on the gross sales of the business. Provided that where all the sales of a company are single sales of peanut products, milk products, coffee, and confections sold in dispensing machines located in industrial plants or on private property for employees where such machines dispense exclusively articles not to exceed ten cents (10¢) per sale, and the person operating such machines shall be engaged in the business of selling exclusively articles not to exceed ten cents (10¢) per sale and shall file with the State Department of Revenue a sworn statement to that effect and shall keep and maintain records satisfactory to the State Department of Revenue, the gross receipts tax herein provided for shall not be levied.

2. Upon every person, firm, or corporation engaged or continuing within Macon County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within Macon County, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm, or corporation engaged or continuing within Macon County in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one fourth of one percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer. Provided, that where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

4. Upon every person, firm, or corporation engaged or continuing within Macon County in the business of selling at retail machines used in mining, quarrying, compounding, pro-

cessing and manufacturing of personal property an amount equal to one-fourth of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

5. There are exempted, however, from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the state sales tax statutes from the computation of the amount of the state sales tax.

6. An excise tax on the storage, use, or other consumption in Macon County of tangible personal property purchased at retail, on or after the first day of the month next succeeding the month during which this act shall become a law, for storage, use or other consumption in Macon County, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in Macon County or in this State, except as provided in subsections 7 and 8 of this section.

7. An excise tax on the storage, use or other consumption in Macon County of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the first day of the month next succeeding the month during which this act becomes a law, for storage, use or other consumption in this State at the rate of one-fourth of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer, or house trailer. Where any used automotive vehicle or truck trailer, semi-trailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

8. An excise tax is hereby imposed on the storage, use or other consumption in Macon County of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, purchased at retail on or after the effective date of this act, at the rate of one-fourth of one percent of the sales price of any such machine; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing,

or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

9. There are exempted, however, from the provisions of this section and the tax imposed in this section the storage, use, or other consumption of property the storage, use, or other consumption of which is presently exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in Macon County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given pursuant to Section 4 of this act to the purchaser of any property to be used, stored, or consumed in Macon County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

Section 3. The taxes levied in Section 2, subsections 1, 2, 3, and 4 of this act shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues; and the taxes levied in Section 2, subsections 7 and 8 of this act shall be due and payable quarterly on or before the twentieth day of the month next succeeding each quarterly period during which the storage, use, or other consumption of the tangible personal property became taxable hereunder, each such quarterly period to end on the last days of each of the months of March, June, September and December. All taxes levied in this act shall be paid to and collected by the State Department of Revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes herein levied each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the department, setting forth, with respect to all sales and business that are provided in Section 2, subsections 1, 2, 3 and 4 hereof to be used as a measurement of the tax levied in said Section 2, subsections 1, 2, 3 and 4, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business and setting forth, with respect to the tax levied in Section 2, subsections 6, 7, and 8 hereof, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax imposed by said Section 2, subsections 6, 7, and 8, during the then preceding quarterly period; however, that said report shall include also such other items of information pertinent to the said taxes in

the amount thereof as the State Department of Revenue may require. Any person subject to the taxes levied in Section 2, subsections 1, 2, 3 and 4, hereof, may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the chairman of the Macon County governing body, or his designated agent at reasonable times during business hours.

Section 4. Every registered seller making sales of tangible personal property for storage, use, or other consumption in Macon County (which storage, use, or other consumption is not herein exempted from the tax imposed in Section 2, subsections 6, 7, and 8 hereof), shall at the time of making such sale or if the storage, use, or other consumption of such tangible personal property in Macon County is not then taxable under this act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax imposed by Section 2, subsections 1, 2, 3, and 4, of this act from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 3 hereof, each registered seller shall file with the State Department of Revenue a return for the preceding quarterly period in such form as may be prescribed by the department showing the total sales of the tangible property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed by Section 2, subsections 6, 7, and 8, of this act during the then preceding quarterly period and each return shall be accompanied by a remittance of the amount of the tax herein required to be collected by such registered seller during the period followed by the return provided that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Macon County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the tax imposed by Section 2, subsections

6, 7, and 8 of this act and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 3.

Section 5. Each person engaging or continuing within Macon County in a business subject to the taxes levied in Section 2, subsections 1, 2, 3 and 4, of this act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes levied in said Section 2, subsections 1, 2, 3, and 4; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required by Section 4 hereof to collect. It shall be unlawful for any person subject to the tax levied in said Section 2, subsections 1, 2, 3, and 4, to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed by Section 2, subsections 6, 7 and 8, of this act or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 6. The taxes imposed by this act shall constitute a debt due the Macon County governing body and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All of the provisions of the revenue laws of this State which apply to the enforcement of liens for license taxes due this State shall apply fully to the collection of the taxes herein levied, and the State Department of Revenue, for the use and benefit of the Macon County governing body shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this State or the department has for collection of the state sales tax and the state use tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and to otherwise enforce the

provisions of this act, including any litigation involving this act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for the Macon County governing body.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment, and collection of the state sales tax, including discounts to licensees, making of monthly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2, subsection 1, 2, 3, and 4, hereof, shall apply to the tax levied in the said Section 2, subsections 1, 2, 3, and 4, and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2, subsections 6, 7, and 8, hereof, shall apply to the tax levied in the said Section 2, subsections 6, 7, and 8. The State Commissioner of Revenue and the State Department of Revenue shall have and exercise all of the same powers, duties and obligations with respect to the taxes levied in Section 2, hereof that are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this act to the taxes herein levied and to the administration of this act are hereby incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The State Department of Revenue shall charge the Macon County governing body for collecting said special taxes herein levied by this act, the cost of making such collections which charge shall not exceed five percent of the amount collected. Such charge may be deducted once each month from the special sales and use taxes collected before certifying the amount of special taxes due the Macon County governing body. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this act, as such taxes are received by the Department of Revenue; and on or before the tenth day

of each successive month (commencing with the month following the month in which the department makes the first collection hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of the Macon County governing body during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the Macon County governing body during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the Macon County governing body in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of the Macon County governing body and paid into the state treasury.

Section 9. Proceeds from the taxes herein levied shall be used for the purpose of acquiring, constructing, improving, enlarging, renovating, replacing, equipping, operating, maintaining and repairing public hospitals, public clinics, public health centers and related public health facilities in Macon County, whether any such hospital, clinic, center, or facility is owned by the County or by a public corporation heretofore or hereafter organized or created pursuant to authorization or determination of the governing body of Macon County, including the pledge of the taxes herein levied and the proceeds arising therefrom by the governing body of Macon County to the payment of any bonds, warrants, or other obligations or evidences of indebtedness of the County which may hereafter be issued under authority of any law now existing or hereafter enacted, for any one or more of the aforesaid purposes. Any pledge of such taxes and the proceeds arising therefrom shall constitute a contract and this act shall not be repealed, altered or amended in such a way as to impair the obligation of such contract. Subject to any such pledge or pledges which shall be a prior lien and claim on said tax and the proceeds therefrom, any part of such proceeds not needed in the judgment of the governing body of the County for the aforesaid purposes may be expended for such purposes as in the judgment of the governing body are meet and proper.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective on the first day of the second month succeeding the month during which it becomes law.

Approved September 12, 1969.

Time: 5:26 P.M.

Act No. 819

H. 1054—Neville, Paulk

AN ACT

To amend Act No. 12, S. 69, Regular Session 1957 (Acts of Alabama, Vol. 1, Page 37) entitled "To provide for the employment of a clerical assistant by the tax collector of Macon County, whose compensation shall be paid from the county treasury."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 12, S. 69, Regular Session 1957 (Acts of Alabama Vol. 1, Page 37) entitled "To provide for the employment of a clerical assistant by the tax collector of Macon County, whose compensation shall be paid from the county treasury," is hereby amended to read as follows:

"Section 2. The compensation of such clerk shall be paid from the county treasury on warrant drawn by the tax collector, but the total amount to be paid from the county treasury in any fiscal year shall not exceed one thousand dollars (\$1,000.00)."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:27 P.M.

Act No. 820

H. 1063—Young, Lemley

AN ACT

To authorize the Commissioner of Agriculture and Industries to approve and certify soil testing laboratories that make recommendations for fertilizer or plant food needs for agricultural purposes, to authorize the State Board of Agriculture and Industries to adopt rules and regulations prescribing requirements and standards for the certification of soil testing laboratories and to provide an exemption therefrom; to prohibit false or fraudulent representations concerning certification as authorized hereunder and to provide a penalty for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose.—Recognized soil testing practices are the most effective means by which fertilizer and lime needs of fields, pastures and gardens can be determined for the growth

of certain crops, plants and grasses. It is a means of providing the latest information available from research and experimental sources for fertilizers and limes needed for agricultural production. Therefore, the purpose of this Act is to authorize the approval and certification of agricultural soil testing laboratories which follow recommended uniform methods, procedures and standards for the soil and climatic conditions which prevail in the State of Alabama.

Section 2. Approval and Certification.—The Commissioner of Agriculture and Industries, pursuant to rules and regulations adopted hereunder as hereinafter provided and upon application therefor, is hereby authorized to approve and to certify soil testing laboratories which meet the requirements as set forth in such rules and regulations.

Section 3. Rules, Regulations, Standards, Procedures.—The State Board of Agriculture and Industries is hereby authorized to adopt and promulgate rules and regulations which shall set forth and require uniform methods, procedures and standards to be followed by soil testing laboratories in determining the fertilizer and lime needed for agricultural crop, pasture and garden production where the results of such tests will be used for the sale, use and application of commercial fertilizers and limes. Such rules and regulations may provide for the qualifications and training of laboratory personnel, chemical and other procedures to be followed, soil extraction methods, use of calibration data, laboratory reports, method and manner of making recommendations for the fertilizer and lime needs of soils, procedure for check samples and other procedures, requirements and standards deemed necessary for the operation of an effective soil testing laboratory. Such rules and regulations may also provide for recertification annually or more frequently when determined to be necessary and that any such approval and certification may be revoked for failure to maintain and follow certification requirements. The State Board of Agriculture and Industries is authorized to request technical information, advice, recommendations and other assistance from the Agricultural Experiment Station and the Cooperative Extension Service of Auburn University as may be needed in adopting rules, regulations, and other requirements for the administration of the provisions and requirements of this Act.

Section 4. Certification Not Mandatory.—No person, firm, partnership, corporation or association which maintains a soil testing laboratory for agricultural purposes shall be required to comply with the provisions of this Act as it is hereby intended that only those laboratories which desire to be certified under authority of this Act shall be required to comply with its requirements. It is further provided that the agricultural soil

testing laboratory of Auburn University shall not in any way be affected by the requirements of this Act nor shall such laboratory be required to comply with any of its requirements.

Section 5. Penalty For False Representations.—Any person, firm, partnership, corporation or association who shall make any false or fraudulent representations that it is approved and certified by the Commissioner of Agriculture and Industries without complying with the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished as now provided by law for such an offense.

Section 6. Effective Date.—This Act shall become effective on October 1, 1969.

Approved September 12, 1969.

Time: 5:28 P.M.

Act No. 821

H. 1066—Beck, Meade

AN ACT

Relating to all counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of each county in the state having a population of not less than 41,000 and not more than 45,000 inhabitants, according to the last or any subsequent federal decennial census, shall be allowed and paid the sum of \$10.00 per meeting, to cover the expenses incurred by them in and about the attendance of such meetings and the performance of their duties as such officers. This allowance shall be in addition to any salary or per diem allowance now allowed to them by law. It shall be paid to them out of the public school funds of such county upon claims therefor, certifying attendance at the meeting for which the expense allowance is claimed, signed by the member claiming it.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:29 P.M.

Act No. 822

H. 1071—Meade, Beck

AN ACT

Authorizing the county governing body of Cherokee County, Alabama, to levy and collect a 1¢ gasoline tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, said gasoline or other liquid motor fuel and that the substance of said bill is as follows.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "gasoline" as used in this Act shall include gasoline naphtha, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, copartnership, company, agency or association singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in Cherokee County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in Cherokee County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into Cherokee County in tank quantities and stores the same and withdraws or uses same for any purpose.

Section II. The governing body of Cherokee County, Alabama may impose an excise tax of not exceeding 1¢ per gallon on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in Cherokee County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay an excise tax of 1¢ per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in Cherokee County, Alabama; provided that the excise tax lexied by this Act shall not be levied upon the sale of gasoline in interstate commerce, and provided further that if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by the distributor or by a retail dealer or storer, such payment shall be sufficient, the intention being that this tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax

herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein imposed shall be in addition to any and all excise or other taxes imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or in the business of selling, distributing storing or withdrawing from storage for any purpose gasoline as herein defined by the State of Alabama or any other agency or subdivision of the State of Alabama except the governing body of said County shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental functions by the County governing agencies, municipalities and boards of education.

Section III. On or before the 20th day of each month after the passage of this Act, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section IV. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some place or office such books, documents or papers as will clearly show the amount of sale or withdrawals of gasoline made in Cherokee County taxed under this Act.

Section V. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in Cherokee County shall make a report on blanks furnished under Section II hereof to the governing body of said County, showing the place and postoffice address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one address to another, such distributor,

storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal giving the former place and postoffice address and also the place and postoffice address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section VI. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provision of this Act, or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section VII. It shall be the duty of the governing body of said County to enforce the provisions of this Act upon its imposing the tax hereunder, and it shall have the right itself, or its members, or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any rules and regulations necessary and proper for the collection of such tax.

Section VIII. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25 per cent, provided if in the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the governing body of said County shall issue execution for the collection of the same, directed by any sheriff to the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for, shall be held as a debt payable to the County of Cherokee by the person against whom the same shall have been imposed or against whom the penalties shall have been accrued,

and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section IX. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due, however, the amount actually paid shall constitute a credit against the amount actually due.

Section X. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulations promulgated hereunder, may be restrained and proper prosecution instituted in the same of said County by the Attorney General of the State of Alabama, or by such counsel as the governing body of said County shall direct, from distributing, selling, storing, or withdrawing from storage any gasoline, the sale or withdrawal of which is taxable until such person shall have complied with the provisions of this Act.

Section XI. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in Cherokee County shall report to the governing body of said County on the first day of October, January, April and July of each year all shipments of gasoline as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in Cherokee County, Alabama, during the preceding three months, giving the name and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment. Provided, however, no person, firm, corporation, dealer or distributor shall be liable for the excise tax imposed by this Act, upon gasoline stored or withdrawn from storage in Cherokee County for sale and delivery outside the boundaries of said County.

Section XII. Except as herein otherwise provided, the proceeds of any taxes imposed under authority of this Act shall be paid into the road, bridge and public building fund of Cherokee County, Alabama, and same shall continue to be received, maintained and expended subject to control and direction of the Governing Body of Cherokee County, Alabama, in the manner authorized by law.

Section XIII. Upon the request of the governing body of such County the State Tax Commission of Alabama, with the approval of the Governor, may collect the tax imposed under this Act for and on behalf of Cherokee County; and in that event it is given all the power, jurisdiction, authority, and privileges

granted to the governing body of Cherokee County hereunder, and all reports, payments and information required to be made, paid or given to the governing body of such county, shall be made, paid or given to the State Tax Commission under the penalties and subject to the prosecution prescribed herein. This section being for the benefit of the County, the State Tax Commission, and the State of Alabama, shall be chargeable only with the tax actually collected by it. The State Tax Commission, upon the collection of such tax, shall, within five days, remit the same to the governing body of Cherokee County.

Section XIV. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section XV. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:30 P.M.

Act No. 823

H. 1077—Dill, Watkins, Yeilding, Gloor,
Jackson (T), Money, Weeks, Kil-
gore, Meeks, Waggoner, House,
Cook (Jeff.), Ellis, Sessions,
Bowers

AN ACT

TO FURTHER AMEND SECTION 9 OF ACT NO. 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951, (GENERAL ACTS OF ALABAMA 1951, PAGE 1579, ET SEQ.) ENTITLED: "AN ACT TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN; TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS OF SUCH SYSTEM."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12,

1951 (General Acts of Alabama 1951, Page 1579), as heretofore amended, be and said section is hereby further amended so as to read as follows:

Section 9. Retirement and Relief Fund. At the end of each payroll period within the first twelve months after date of establishment, the City shall deduct from the salary of each employee member for such payroll period an amount equal to three per centum (3%) of his salary for such payroll period, and at the end of each payroll period after said twelve calendar months the City shall deduct from the salary of each employee member an amount equal to six per centum (6%) of his salary for such payroll period, provided, however, that for the purpose of such deductions, no employee shall be deemed to earn, or to have earned, salary at a rate in excess of four hundred dollars (\$400) per month. The proviso of the next preceding sentence, hereinafter referred to as the "four hundred dollar proviso", shall not have any past or future application to any employee member who shall, or shall have, become subject to the five hundred dollar limitation under or in accordance with the provisions of subdivision (a) or subdivision (b) of this section or to any employee member who shall or shall have become subject to the provisions of subdivision (c) or (d) of this section. (a) For the purpose of deductions from salary, an employee member who shall be or shall have been, an employee member at September 1, 1957, and who shall not elect, or shall not have elected, in the manner and within the time hereinafter provided, to remain subject to said four hundred dollar (\$400) proviso, shall be deemed to earn or to have earned, at all past and future times, salary at his actual rate of salary, but in no event at a rate in excess of five hundred dollars (\$500) per month except as hereinafter in this section provided. The aggregate of monthly deficiencies of deductions from salary of any such employee member during the period from September 1, 1937, to September 1, 1957, resulting from the operation of the next preceding sentence, together with interest on each such monthly deficiency from the time such deficiency is deemed to have occurred to September 1, 1957, at the rate of three and three-tenths per centum (3.3%) per annum, shall constitute a liability of such employee member to the fund as of September 1, 1957. The amount of said deficiency and interest liability shall be the sum of the following: Three per centum (3%) of the excess of salary of such employee member over four hundred dollars (\$400) and not over five hundred dollars (\$500) for each of the twelve (12) months between September 1, 1937, and September 1, 1938, being the deficiency of deduction for each of such twelve months, plus six per centum (6%) of the excess of salary of such employee member over four hundred dollars (\$400) and not

over five hundred dollars (\$500) for each month between September 1, 1938, and September 1, 1957, being the deficiency of deduction for each month between September 1, 1938, and September 1, 1957, plus interest on each of the aforesaid deficiencies from the end of the month for which computed to September 1, 1957, at the rate of three and three-tenths per centum (3.3%) per annum. Said deficiency and interest liability shall bear interest from September 1, 1957, at the rate of six per centum (6%) per annum. At the end of each payroll period ending after September 1, 1957, the City, in addition to deductions from salary hereinabove provided for, shall deduct from the salary of such employee member for each such payroll period ending after September 1, 1957, an amount equal to five per centum (5%) of such deficiency and interest liability, together with interest thereon at the rate of six per centum (6%) per annum from September 1, 1957, until such deficiency and interest liability, together with interest thereon, has been fully paid and discharged. Any employee member subject to or burdened with such deficiency and interest liability or balance thereof may pay and discharge the same by direct payment into the fund of the amount thereof, to be matched by his employer as though such payment were a deduction from his salary, but if such deficiency and interest liability, with any interest thereon, be not paid or discharged in one or more of the manners hereinabove provided, it shall be paid or discharged as provided in Section 19. Any employee member who shall be or shall have been, an employee member at September 1, 1957, may file with the City Comptroller at any time within fifteen days after September 1, 1957, a written declaration to the effect that he elects to remain subject to the aforesaid four hundred dollar proviso, and in the event he so files such declaration he shall remain subject to said four hundred dollar proviso, and the sentences of this subdivision (a) preceding this sentence shall have no application to him. (b) For the purpose of deductions from salary, an employee member who shall be such employee member after September 1, 1957, and who shall not be or shall not have been such employee member at September 1, 1957, shall be deemed to earn, or to have earned, salary at his actual rate of salary, but in no event at a rate in excess of five hundred dollars (\$500) per month; provided that an employee member who shall be such employee member on or after September 1, 1966, shall be deemed to have earned salary on and after said date at his actual rate of salary, but in no event at a rate in excess of that provided for in subdivision (c) of this section. (c) For the purpose of deduction from salary, an employee member who shall be or shall have been an employee member on or after September 1, 1966, shall be deemed to earn at all times subsequent to said September 1, 1966, salary

at his actual rate of salary, but in no event at a rate in excess of five hundred dollars (\$500.00) per month, plus one-half of his actual rate of salary in excess of such five hundred dollars. The City shall promptly pay each and every deduction hereinabove in this section provided for into a retirement and relief fund (herein referred to as "the fund"), and such deductions (less any interest included therein whether at the rate of three and three-tenths per centum (3.3%) or six per centum (6%) per annum) so paid into the fund shall be known as a contribution of the employee member to the fund. At the same time the City pays into the fund any deduction from the salary of an employee member, the City shall match such deduction by paying into the fund from its general or other appropriate funds an amount equal to the full amount of such deduction, provided that subsequent to September 1, 1966, in lieu of matching such deductions the obligation of the City to make payments into the fund shall be determined by the following: On account of each employee member there shall be paid monthly by the City into the fund an amount equal to a certain percentage of the salary, as defined for pension purposes, of each employee member to be known as the "normal contribution" and an additional amount equal to a percentage of such salary to be known as the "accrued liability contribution," and these two amounts shall be paid monthly subsequent to September 1, 1966. The rate per centums of such contributions shall be fixed for each fiscal year on the basis of the liabilities of the fund as shown by the last actuarial valuation. The actuary engaged to make such actuarial valuation shall, during the period over which the accrued liability is payable, determine the uniform and constant percentage of salary, as defined for pension purposes, of the average new entrant employee member which, if contributed on the basis of such salary throughout his entire period of active service, would be sufficient to provide for the payment of any benefit payable on his account which is not covered by his own contributions to the fund. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the salaries, as defined for pension purposes, of all employee members obtained by dividing the amount of the City's unfunded liabilities by one per centum of the present value of the prospective future total salaries, as defined for pension purposes, of all employee members, as computed by the actuary. The accrued liability contribution rate shall be computed by the actuary as the rate per centum of the total annual salaries, as defined for pension purposes, of all employee members which is sufficient to liquidate the unfunded accrued liability determined on the basis of the provisions of the fund

as they exist on the date of commencement of the payment of any accrued liability contribution hereunder over a period of 20 years from that date. At the time of any subsequent amendment to this Act which creates an additional unfunded accrued liability, such accrued liability contribution rate shall be adjusted so as to be sufficient to liquidate such additional unfunded accrued liability over a period of 20 years following the date such additional unfunded accrued liability arises. Commencing September 1, 1966, the normal and accrued liability rates of contribution shall be 5.40 per centum and 3.60 per centum, respectively, until such time as a change is made as hereinbefore provided on the basis of an actuarial valuation. The City Comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the fund. (d) Any employee member who shall be or shall have been an employee member on September 1, 1966, and who shall have earned in excess of five hundred dollars (\$500) actual salary during any month prior to said September 1, 1966, for which no deduction was made from that amount of salary in excess of five hundred dollars (\$500) may elect to pay into the Fund for any one or more such months an amount equal to six per cent (6%) of one-half of that part of such actual salary paid such employee member in excess of five hundred dollars in any such month, plus interest on such payment at the rate of four per cent (4%) per annum from the date of payment of the salary upon which such six per cent (6%) payment is based. Upon payment into the Fund of any amount provided for in this subdivision (d), the employee member shall be entitled to have considered that amount of salary upon which such deductions and payments were made in computing his final average salary. No employee member shall be entitled to take advantage of the election provided in this subdivision (d) subsequent to September 1, 1967, or subsequent to the time he has ceased to be an employee member. Only an employee member who is subject to the five hundred dollar (\$500) limitation prior to September 1, 1966, shall be permitted to take advantage of the election provided for in this subdivision (d). (e) Any employee member who shall be or become such employee member on or after September 1, 1969, and who shall have, prior thereto, been employed by any municipality in the county in which such city is situated or by the county under the provisions of the merit system applicable to such municipality or to the county in which such city is situated if there be such a system, may prior to September 1, 1970, or within sixty days after such employee becomes a member of the system, whichever date first occurs, pay to the City Comptroller a sum computed as follows: Determine the salary theretofore paid to such employee member each month by such other municipality or by

the county during the time he was employed by either and compute the amount which would have been deducted from such salary had such salary been paid by the City under the provisions of this Act in effect at the time such employee member makes such payment to the City Comptroller which amount plus interest at the rate of four per cent (4%) from the date such deductions would have been made had such salary been paid by the City to the date of payment of said amount to the City Comptroller shall constitute the sum to be paid by such employee member to the City Comptroller to avail himself of the option here provided. Any such employee member who fails to pay the required amount to the City Comptroller within the time provided therefor shall not be permitted to do so at any time thereafter. Upon payment of the required amount by any such employee member, the City Comptroller shall promptly pay the same into the fund. Upon such payment such employee member shall be entitled to have considered that amount of salary paid by such municipality or county upon which payment was made in computing his final average salary the same as if the salary paid by such municipality or the county had been paid by the city and such payment (other than interest) had been deductions from salary. The period of time covered by the salary upon which such payments are made shall be considered as part of such employee's paid membership time.

(f) In the event a fireman or policeman belonging to the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, Acts of Alabama of 1959, pages 1376, et seq, retires after having accumulated at least twenty-five (25) years and less than thirty (30) years creditable time under this Act, in accordance with subsection (j) of Section 12 of this Act, the Board of Managers created by this Act shall receive for the said Retirement and Relief Fund the monthly payments required to be paid from the Retirement and Relief Fund established by said Act No. 556 of the Legislature of Alabama of 1959 to the Retirement and Relief Fund established by this Act between the date on which such fireman or policeman retires and the date on which he would have been entitled to receive a retirement allowance under the system established by this Act for thirty (30) years creditable time had he not retired but had continued to serve without interruption as a member of the Retirement and Relief System established by this Act until he became entitled to receive from the said last named system a retirement allowance based on thirty (30) years creditable time. During said period the City shall match the payments received by the fund established by this Act from the Retirement and Relief Fund established by said Act No. 556 by paying into the fund established by this Act from its general fund or other appropriate funds an

amount equal to the full amount of the payments made from the Retirement and Relief Fund established by said Act No. 556 to the fund established by this Act. If it is practical from an administrative standpoint the City shall make such matching payments at the same time the fund established by this Act receives from the fund established by said Act No. 556 the payments required to be made from the latter fund. In any event the City shall pay into the fund established by this Act the aforesaid matching funds within thirty (30) days from the date the fund established by this Act receives from the fund established by said Act No. 556 the payments which are hereby required to be matched by the City. (g) The fund shall include all assets of the fund in any form, and the city comptroller shall be, ex-officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of fifty thousand dollars (\$50,000), payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board may select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations or legacies for the fund, and to administer same as may be directed by the

donors. In the adjudication of claims against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed, prima facie, to speak the truth.

Section 2. The provisions of this amendatory Act are severable. If any part of the Act is declared invalid, unconstitutional or improperly included therein, such declaration shall not affect the part or parts which remain.

Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:31 P.M.

Act No. 824 H. 1078—Dill, Gloor, Jackson (T), Money,
Weeks, Kilgore, Meeks, House,
Cook (Jefferson), Ellis, Bowers

AN ACT

TO AUTHORIZE ANY CITY HAVING A POPULATION OF 300,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS, IN WHICH SAID CITY THERE SHALL HAVE BEEN OR HEREAFTER SHALL BE CREATED A PUBLIC BUILDING CORPORATION AS PROVIDED FOR IN ACT NUMBER 493, 1955 ACTS OF ALABAMA, AS NOW OR HEREAFTER AMENDED, TO LEASE OR CONVEY TO SUCH PUBLIC BUILDING CORPORATION ANY PROPERTY WHICH SHALL HAVE BEEN ACQUIRED BY SUCH PUBLIC BUILDING CORPORATION AS A RESULT OF ANY "PROJECT" AFTER THE BONDS HAVE BEEN PAID IN FULL, NOTWITHSTANDING SECTION 21 OF SAID ACT NUMBER 493, AS SAME MAY HAVE BEEN OR MAY HEREAFTER BE AMENDED.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in, but only in cities having a population of 300,000 or more in the last or any subsequent federal decennial census.

Section 2. Upon completion of any "project" undertaken by said Public Building Corporation as provided by said Act Number 493, 1955 Acts of Alabama, as now or hereafter amended, and payment of all bonds, principal and interest, notwithstanding the contrary provisions of Section 21 of said Act, the said City and the said Public Building Corporation are hereby authorized to enter into a lease agreement or deed of conveyance conveying said property to said Public Building Corporation for such purposes and upon such terms and conditions, reservations and restrictions as said City and Public Building Corporation may mutually agree upon.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:32 P.M.

Act No. 825

H. 1079—Dill, Watkins, Yeilding, Gloor,
Jackson (T), Money, Weeks,
Kilgore, Meeks, Waggoner,
House, Cook (Jeff.), Ellis,
Sessions, Bowers

AN ACT

TO FURTHER AMEND SECTION 23 OF ACT NO. 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951 (ALA. ACTS, 1951, p. 1579 ET SEQ.), WHICH CREATED FOR EACH CITY HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND (250,000) OR MORE, ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS, A PENSION AND RELIEF OR RETIREMENT SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23 of Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts, 1951, pages 1595-1597), as heretofore amended, is hereby further amended to read as follows:

"Section 23. Board of Managers. (a) There shall be a Board of Managers of five members for the administration, management, and control of the system including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the Mayor of the City, who shall be Chairman of the Board and four associate members designated respectively as 'member number one', 'member number two', 'member number three', and 'member number four'. Member number one shall be appointed by the personnel board to serve for a four year term. Any vacancy in member seat number one shall be filled by the personnel board to serve for such unexpired term. Member number two shall be elected by members of the system in the active services of the City by secret ballot at the time and for the term hereinafter specified. The first person elected as member number two shall be a member of the system. For the purpose of rotating member

number two between members of the fire department and the police department and members of the system not in the fire department or police department it is hereby provided that if the person first elected as member number two is a member of the fire department or police department the person elected to fill the first full term of member number two next following the first term shall be a member of the system not belonging to either the fire department or police department; and if the person first elected as member number two is not a member of the fire department or police department the person elected to fill the first full term of member number two next following the first term shall be a member of the fire department or the police department. Thereafter member number two shall be elected alternately from employees belonging to the fire department or the police department and from members belonging to neither the fire department or police department; provided, however, that in the event of a vacancy the person elected to fill the unexpired term shall be elected from the members of the fire department or police department if the person last holding the vacant position was a member of the fire department or police department or from employees not belonging to either of said two departments if the person last holding the vacant position was not a member of either of said two departments. The first election to fill the positions of member number two shall be at a time prescribed by the City Council as soon as practicable and in any event within sixty days from the date of the creation of the said position held by member number two. The Council shall have the authority to prescribe rules and regulations concerning the election of member number two not inconsistent with this Act and to change the rules and regulations. Member number two shall be elected for a term of four years which shall commence to run from the date on which the result of the election is declared. Any elected or appointed member of the Board may serve beyond his term until his successor is appointed or elected. Member number three shall be appointed for a four-year term by the Mayor and shall have more than ten years experience in an executive capacity in insurance, actuarial, investment, or banking work. Member number four shall be a person not a member of the system who has had more than ten years experience in an executive capacity in insurance, actuarial, investment, or banking work. Member number four shall be elected for a four year term by the membership of the system by secret ballot at an election called by the Council after 30 days notice. Nominations of persons to fill the position of member number four shall be made in writing to the council and filed with the Clerk of the city by members of the system and such nominations must be filed more than ten days prior to the date of the election.

In the event of a vacancy on said board of managers, a person to fill the vacant position shall be elected or appointed in the same manner in which the person last holding the said position was elected or appointed. Members number one and two of the Board shall be bona fide residents and qualified voters of the City. Member number three and four shall be residents of the county, and qualified voters of such county.

(b) The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any three Board members, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board, provided, however, the Secretary be present and record the proceedings of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman or such other place as the Board may designate.

The Personnel Director shall be Secretary of the Board and shall be present at every meeting of the Board and keep a record of all proceedings of the Board and of all orders and decisions of the Board. No salary or compensation shall be paid to the Secretary or to member number two. Members number one, number three and number four shall receive Ten Dollars (\$10) for each meeting attended but not more than Twenty Dollars (\$20) for meetings attended in any one calendar month. Three members of the Board, when assembled either in regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board and the affirmative vote of three members shall be necessary and sufficient to pass any motion or resolution.

The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system. The decision of the Board shall be subject to review by the Circuit Court, in the manner and subject to the limitations, herein provided. An employee may secure a review of the decision of the Board by mandamus proceedings in the Circuit Court, which he shall institute in said Court by filing therein a petition for mandamus. Said petition

may designate the Board as respondent or the members thereof as respondents. Each respondent shall be served with process, unless such respondent or his or its attorney accepts service.

The petition for mandamus shall be barred if it is not filed within ninety (90) days from the date whereon the Board of Managers makes its final decision on the benefit claimed, provided written notice of such final decision of the Board shall be given by certified or registered mail, postage prepaid, and properly addressed to the claimant or his attorney within ten (10) days after such final decision of the Board. If timely notice shall not be given as provided in the last preceding sentence, claimant shall not be barred from filing mandamus until the expiration of eighty (80) days from the mailing of notice as above provided, but in no event shall said mandamus be filed after one year from the date of such final decision of the Board; provided further that any such final decision made by the said Board after January 1, 1969, and prior to the effective date of this Act shall be governed by the eighty (80) day clause of the last preceding sentence, but in such case such mandamus proceeding shall not be filed after one year from the effective date of this Act.

In the proceedings in the Circuit Court any evidence relevant on any issue involved in the review shall be admissible, subject to the ordinary rules of evidence.

If the submission in the mandamus proceedings is solely upon the proceedings before the Board, the decision of the Board upon all matters of fact shall be final and conclusive, unless it affirmatively appears that its decision is plainly and manifestly wrong.

If in the Circuit Court evidence is received, in addition to that considered by the Board, the decision of the Board upon all matters of fact shall, nevertheless, be final and conclusive, except to the extent limited by the next following sentence. If the Circuit Court after hearing all the evidence offered determines that had the decision rendered by the Board been rendered after hearing such evidence that such decision would not have been manifestly wrong, then the Circuit Court shall sustain the decision of the Board; and if the Circuit Court, after considering all the evidence, determines that the decision rendered by the Board would have been manifestly wrong had such decision been rendered after considering all the evidence considered by the Circuit Court, then in that event the Circuit Court shall render the decision which that Court concludes should be rendered on all the evidence considered by that Court. The provision of Section 14 of this Act prohibiting a resolution of the Board allowing an extraordinary disability benefit unless

such resolution be passed within twelve months after the accident resulting in disability shall not be construed to prohibit the Circuit Court in a mandamus proceeding from rendering a judgment in favor of the claimant for extraordinary benefits even where the Circuit Court shall direct the Board to adopt a resolution in favor of the claimant in compliance with such judgment of the Circuit Court. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock of corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided, however, that not more than ten thousand dollars shall be invested in any one Federal Savings and Loan Association, or in any one corporation having Federal Savings and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission and the aggregate value of the funds invested in such bonds of corporations last referred to above shall not exceed thirty-three and two-thirds per cent ($33\frac{2}{3}\%$) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporations exceed 5% of all the funds available in the system for investments.

The Board of Managers is authorized to secure, and to pay for with funds of the system, investment counsel and investment advice from individuals or firms experienced and specializing in furnishing such advice, and also the advice and services of accountants and auditors and legal advice and services and such other professional counsel, advice and services as the said Board deems necessary for the proper management and administration of the system.

In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance in office or for habitual neglect of duty.

(c) The Board of Managers shall make a study of the provisions of this Act, and at such time or times as the Board may deem appropriate it shall have authority to employ at the expense of the fund such actuarial assistance and other aid as the study may require to determine the following questions: (1) Are the contributions to the fund sufficient to pay the benefits provided herein? If not, what additional contributions are necessary? (2) Are the benefits provided herein sufficient in amount to consume the contributions required herein, or are they as large as to render the fund insolvent; and in the event of the finding of either contingency, what adjustments should be made? (3) What provision should be made either in contributions by employees or by the city to render the fund solvent with respect to allowances made for prior service? The said Board must present to the members of the Legislature, not later than thirty days before the convening of any regular session, a report of the financial condition of the system, together with drafts of such laws as it may deem necessary to keep or make the fund actuarially solvent. They shall accompany their report with the reasons why they recommend the measures included in their report for making it solvent, setting out in detail what benefits they recommend be reduced, or what additional contributions they recommend being made. And the Legislature shall give prompt and full consideration to such report to the end that said fund may be solvent, safe and permanent for the protection of the employees covered thereby."

Section 2. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:33 P.M.

Act No. 826 H. 1081—Dill, Yeilding, Gloor, Jackson (T),
 Money, Weeks, Kilgore, Meeks,
 House, Cook (Jefferson), Ellis,
 Bowers

AN ACT

Relating to counties having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census; to provide for additional times when real property may be returned and valued for ad valorem tax purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of not less than 600,000 according to the last or any subsequent Federal Decennial Census.

Section 2. Any person, firm or corporation who owns any real property in any such county and anticipates that he or it will be the owner thereof on the first day of October next thereafter following may make a return of such property for taxation on the ensuing tax year at any time after December 31, of the current tax year. The tax assessor may value any such property during that period, but any property so returned and valued shall be included for tax purposes and any abstracts and other reports required of tax assessors as having been made during the regular tax assessment period (October 1st through December 31st) next following such return and valuation. However, no person, firm or corporation shall be permitted or allowed to return property for valuation under this act unless he or it furnishes to the tax assessor evidence or indicia of his or its ownership by a duly recorded deed or other like conveyance.

Section 3. It is the intent of this act that real property may be returned and valued for ad valorem tax purposes at any time during the period for January 1st through September 30th, as well as during the regular tax assessment period and that the time prescribed for the payment of ad valorem taxes, the procedures for fixing valuations by the Board of Equalization, and the procedures for taking appeals from valuations and assessments shall not be affected by this act.

Section 4. This act shall become effective October 1, 1969.

Approved September 12, 1969.

Time: 5:34 P.M.

Act No. 827

H. 1082—Dill, Watkins, Yeilding, Gloor,
Jackson (T), Money, Weeks,
Kilgore, Waggoner, Meeks,
House, Cook (Jeff.), Ellis,
Bowers

AN ACT

TO FURTHER AMEND ACT NO. 502 OF THE LEGISLATURE OF ALABAMA OF 1923, APPROVED SEPTEMBER 29, 1923, (GENERAL ACTS OF ALABAMA OF 1923, PAGE 663, ET SEQ.), WHICH ESTABLISHED A POLICEMAN'S PENSION SYSTEM FOR CITIES HAVING A POPULATION OF 100,000 OR MORE, AS RE-ENACTED BY ACT NO. 283 OF THE LEGISLATURE OF ALABAMA OF 1943, APPROVED JUNE 28, 1943, (GENERAL ACTS OF ALABAMA OF 1943, PAGE 241 ET SEQ.), AS HERETOFORE AMENDED.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923 page 663 et seq.), as re-enacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts of Alabama of 1943, page 241 et seq.), as heretofore amended, is hereby further amended so as to read as follows:

"Section 10. (a) Subject to the provisions of subsections (b) and (c) of this Section 10, if any member of the police department of such city, while in the performance of his duty becomes or be found to be physically or mentally permanently totally disabled for service in such police department, by reason of service therein, said authority referred to in Section 7 of this Act serving said city shall make such orders as may be necessary and thereupon such member shall be paid, monthly from such fund (viz., such policeman's pension and relief fund serving the city by which such member was employed when he was so disabled), respectively, during the existence or continuance of such permanent disability the sum or sums, according to the amount of his usual or regular salary or pay at the commencement of such disability, as is provided in the preceding section. Any such member may be called back and examined at any time under the orders of such authority and may be ordered back to active service, or to other service in connection with the city, as he is able to perform, according to the instructions, findings and orders of such authority referred to.

"(b) After the effective date of this subsection (b) any person whose monthly benefit under subsection (a), next above, is less than one hundred twenty-five dollars (\$125.00) shall be entitled to a supplemental benefit of such amount not in excess of twenty-five dollars (\$25.00) per month as when added to the benefit provided for him in subsection (a), next above, will bring his total benefits under subsection (a) and this subsection (b) to one hundred twenty-five dollars (\$125.00) per month.

"(c) After the effective date of this subsection (c) any person whose total benefits received under subsections (a) and (b), above, are less than two hundred dollars (\$200.00) per month shall be entitled to a further benefit of such amount not in excess of seventy-five dollars (\$75.00) per month as when added to the benefits provided for him in subsections (a) and (b), above, will bring his total benefits under subsections (a) and (b) and this subsection (c) to two hundred dollars (\$200.00) per month."

Section 2. Section 11 of Act 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama 1923, page 663 et seq.), as reenacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts of Alabama 1943, page 241 et seq.), as heretofore amended, is hereby further amended so as to read as follows:

"Section 11. (a) Subject to the provisions of subsections (b) and (c) below, if any member of the police department of such city shall become and be found to be totally disabled, mentally or physically, for service in such police department, which disability is not found to be directly or indirectly traceable to or caused by reason of service therein, except such disability as may come from or be the result of a venereal disease, or the use of drugs, or of intoxicating liquors, or dissipation, or is wilfully caused by such member's own voluntary act, such member shall be paid, during the continuance of such disability, from such funds, respectively, an amount equal to one half of his regular or usual salary or pay at the time of the commencement of his said disability.

"(b) After the effective date of this subsection (b) any person whose monthly benefit under subsection (a), next above, is less than one hundred twenty-five dollars (\$125.00) shall be entitled to a supplemental benefit of such amount not in excess of twenty-five dollars (\$25.00) per month as when added to the benefit provided for him in subsection (a), next above, will bring his total benefits under subsection (a) and this subsection (b) to one hundred twenty-five dollars (\$125.00) per month.

"(c) After the effective date of this subsection (c) any person whose total benefits received under subsections (a) and (b), above, are less than two hundred dollars (\$200.00) per month shall be entitled to a further benefit of such amount not in excess of seventy-five dollars (\$75.00) per month as when added to the benefits provided for him in subsections (a) and (b), above, will bring his total benefits under subsections (a) and (b) and this subsection (c) to two hundred dollars (\$200.00) per month."

Section 3. Section 12 of Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923, page 663 et seq.), as reenacted by Act No. 283 of the Legislature of Alabama of 1943, approved June 28, 1943 (General Acts of Alabama of 1943, page 241, et seq.), as heretofore amended, is hereby further amended to read as follows:

"Section 12. (a) The authority mentioned in Section 7 of this act shall by this act have the power to retire from such

active service, as by him was usually or regularly performed in such police department, an member thereof who has performed faithful service in such police department for a period of not less than fifteen consecutive years; such members to be and constitute a reserve force or a part or portion of the reserve force, and together with any others assigned thereto under the provisions of this act shall be known as the reserve force of the police department of their cities, respectively, and they shall be on call at all times, and they shall perform special police duties in their respective cities as may from time to time be assigned to them by their chief of police, or under the orders or instructions of the authority mentioned in Section 7 of this act, and all such members so placed upon any such reserve force shall be paid from such pension fund respectively, the sum of one hundred dollars per month during the time he is a member of such reserve force; provided, however, that after the effective date of said subsection (b), next below, any member of such reserve force shall receive the supplemental benefit provided for therein; and provided, further, that after the effective date of subsection (c), below, any member of reserve force shall receive the supplemental benefit provided for therein.

“(b) After the effective date of this subsection (b) any person whose monthly benefit under subsection (a), next above, is less than one hundred twenty-five dollars (\$125.00) shall be entitled to a supplemental benefit of such amount not in excess of twenty-five dollars (\$25.00) per month as when added to the benefit provided for him in subsection (a), next above, will bring his total benefits under subsection (a) and this subsection (b) to one hundred twenty-five dollars (\$125.00) per month.

“(c) After the effective date of this subsection (c) any person whose total benefits received under subsections (a) and (b), above, are less than two hundred dollars (\$200.00) per month shall be entitled to a further benefit of such amount not in excess of seventy-five dollars (\$75.00) per month as when added to the benefits provided for him in subsections (a) and (b), above, will bring his total benefits under subsections (a) and (b) and this subsection (c) to two hundred dollars (\$200.00) per month.”

Section 4. Section 13 of Act No. 502 of the Legislature of Alabama of 1923 (General Acts of Alabama of 1923, page 663, et seq.) reenacted by Act No. 283 of the Legislature of Alabama of 1943 (General Acts of Alabama of 1943, page 241, et seq.), as heretofore amended, is hereby further amended to read as follows:

"Section 13. (a) Any member of such police department who has been in the service thereof for as much or as long as twenty-five years, the last five of which are consecutive years service, upon making written application to the authority mentioned in Section 7 of this act shall, without medical examination or disability, be retired from such service in such department as by him was usually or regularly performed and thereupon shall become and be a member of a reserve force in his department and shall be on call and perform all duties as is set forth and provided for in the preceding section; and he shall be paid monthly from such fund the sum of one hundred dollars during the continuance of his service on such reserve force in the department; provided, however, that after the effective date of said subsection (b), next below, any member of such reserve force shall receive the supplemental benefit provided for therein; and provided, further, that after the effective date of subsection (c), below, any member of such reserve force shall receive the supplemental benefit provided for therein.

"(b) After the effective date of this subsection (b) any person whose monthly benefit under subsection (a), next above, is less than one hundred twenty-five dollars (\$125.00) shall be entitled to a supplemental benefit of such amount not in excess of twenty-five dollars (\$25.00) per month as when added to the benefit provided for him in subsection (a), next above, will bring his total benefits under subsection (a) and this subsection (b) to one hundred twenty-five dollars (\$125.00) per month.

"(c) After the effective date of this subsection (c) any person whose total benefits received under subsections (a) and (b), above, are less than two hundred dollars (\$200.00) per month shall be entitled to a further benefit of such amount not in excess of seventy-five dollars (\$75.00) per month as when added to the benefits provided for him in subsections (a) and (b), above, will bring his total benefits under subsections (a) and (b) and this subsection (c) to two hundred (\$200.00) per month."

Section 5. Section 14 of Act No. 502 of the Legislature of Alabama of 1923 (General Acts of Alabama of 1923, page 663 et seq.) reenacted by Act No. 283, of this Legislature of Alabama of 1943 (General Acts of Alabama of 1943 page 241 et seq.), as heretofore amended, is hereby further amended to read as follows:

"Section 14. (a) If any member of such police department while in the performance of his duty, be killed or dies as the result of any injury received in the line of his duty, or

of any disease contracted while a member of such police department, except either directly or indirectly from a venereal disease or from dissipation or from the use of drugs or from the use of intoxicating liquors, or as a result of his own voluntary act, or shall die from any cause whatsoever as the result of his service in such police department and while in such service, or after having served in such police department for fifteen consecutive years or more shall die while in the service, and leave a widow or child or children under the age of fourteen years surviving him, the authority referred to in Section 7 of this act, shall direct and cause the payment from said fund, monthly, to such widow during her natural life, and while unmarried, the sum of thirty dollars, and to each child until it reaches the age of fourteen years, not less than five nor more than ten dollars, which said sum for the benefit of such child or children shall be paid to the mother, if living, monthly, so long as such child or children shall reside with and be supported by her; and if there be child or children and no widow surviving such member then, subject to the exceptions contained in this section, for each child ten dollars per month to be paid to the person having the custody of each respective child. Should such deceased member leave no widow or children or child, but leave a widowed mother, dependent upon him for support, the said mother shall be paid, subject to the exceptions contained in this section, out of said fund (viz., the policemen's pension and relief fund of the city by which such deceased member was employed at the time of his death), during her natural life and so long as she remains unmarried the sum of thirty dollars monthly. The rate of the benefit hereinabove prescribed in this subsection (a) for a widow of a deceased member of the said pension fund or system shall apply until the effective date of subsection (b), next below; and after the effective date of said subsection (b), the rate of benefit payable to such widow shall be that rate prescribed in said subsection (b), until the effective date of subsection (c), below.

"(b) After the effective date of this subsection (b), the rate of the monthly benefit for the widow of a deceased member of the pension fund or system shall be fifty dollars (\$50.00) per month, instead of thirty dollars (\$30.00) per month; provided, however, that in order to receive the said benefit of fifty dollars (\$50.00) per month, such widow shall meet all of the terms and conditions prescribed by subsection (a), next above.

"(c) After the effective date of this subsection (c) the rate of the monthly benefit for the widow of a deceased member of the pension fund or system shall be ninety dollars (\$90.00) per month; provided, however that in order to receive the bene-

fit of said ninety dollars (\$90.00) per month, such widow shall meet all terms and conditions prescribed in subsection (a), above. It is further provided that no widow shall be entitled to the benefit of this subsection (c) until she, or her duly authorized agent or attorney has filed written application with the pension board that the benefit provided for by this subsection (c) be paid to her; provided, further, said benefit shall be paid to any widow entitled to the same without such application being made, upon her guardian, physician, relative or friend filing with the pension board a written statement, verified under oath, to the effect that because of physical or mental disability such widow cannot file the application or appoint an agent or attorney to file the same."

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; but the supplemental allowances provided for by subsection (c) of Sections 10, 11, 12, 13 and 14 of said Act No. 502, as set forth in this amendatory act, shall not be payable until the month succeeding the month in which this act becomes effective.

Approved September 12, 1969.

Time: 5:35 P.M.

Act No. 828

H. 1083—Dill, Watkins, Yeilding, Jackson
(T), Money, Weeks, Kilgore,
Meeks, Cook (Jefferson), Ellis,
Sessions, Bowers, House

AN ACT

TO AMEND FURTHER THE TITLE, SUBSECTION (e) OF SECTION 1, AND SECTION 2 OF ACT NO. 497 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1965, APPROVED AUGUST 20, 1965 (ALA. ACTS, 1965, P. 717 ET SEQ.), WHICH ESTABLISHED A PENSION SYSTEM FOR THE OFFICERS AND EMPLOYEES OF JEFFERSON COUNTY, ALABAMA.

Be It Enacted by the Legislature of Alabama:

Section 1. As used herein the term "Act 497" means Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.)

Section 2. The title of Act 497 as heretofore amended is hereby further amended so as to read as follows:

AN ACT

To provide for the establishment of a retirement system for employees and officers of Jefferson County, Alabama, and for the Circuit Solicitor in said County, the Solicitor of the Juvenile and Domestic Relations Court of said County, the Solicitor of the Jefferson County Criminal Court and any deputy appointed by said Circuit Solicitor, and for the employees of the Cooperative Extension Service of the State of Alabama who receive monthly compensation from Jefferson County, Alabama, and for the employees of the Library Board of the City of Birmingham who receive their salary directly or indirectly from the public funds of Jefferson County, excluding members of the Library Board and officers elected by the people; to provide for the abolition of the retirement systems established by Act No. 551 of the Legislature of Alabama of 1953, (Ala. Acts, 1953, pages 766, et seq.), and by Act No. 843 of the Legislature of Alabama of 1961, (Ala. Acts, 1961, pages 1250 et seq.); to transfer the assets of the pension systems abolished as aforesaid to the retirement system established by this act; to provide that all members of the abolished systems shall be members of the retirement system hereby established which shall be liable for all obligations of the abolished systems; to provide that the retirement system established by this act shall be financed by contributions of said employees and officers and said County to the pension fund; to provide for the administration of the said retirement system by a Pension Board; and to authorize, but not require, the Pension Board to purchase annuity contracts, or policies, to assure payment of benefits accruing in favor of members of either of the two abolished retirement systems.

Section 3. It is hereby provided that subsection (e) of Section 1 of Act No. 497 of the Legislature of Alabama of 1965, as heretofore amended, is further amended to read as follows:

(e) The word "employee" shall mean any person employed by the County at a wage or salary payable at regular intervals, including those in the classified service and those not in the classified service according to any civil service system in operation in said County; and provided further, that a person shall be deemed to have been an employee of the County during all the period he served as an employee of a License Inspector prior to the time a retirement system became operative in the County not exceeding twenty (20) years whether such service was under the State of Alabama or under the County; and a person shall be deemed to have been, or to be, an employee of the County while he was serving, or while he shall serve, as the Solicitor of the Court of Juvenile and Domestic Relations or the County, the Solicitor of the Jefferson County Criminal Court or as a

deputy appointed by the Circuit Solicitor serving in the County; and a person shall be deemed to have been, or to be, an employee of the County while he was serving, or while he shall serve, as an employee of the Cooperative Extension Service of the State of Alabama, provided he was receiving, or shall be receiving, monthly compensation from the County for service performed by him as such employee; and any person elected or appointed to a job or position with or for the County, whose compensation was paid, or shall be paid, in whole or in part, by said County, shall be deemed to have been, or to be, an employee of the County while occupying such job or position; provided, however, that the word "employee" shall not include any person who is appointed or elected as a member of any board or commission of the County, the service on which board or commission does not require full time service for the County or the members of which said board or commission receive no compensation except for meetings attended by them. The word "employee" shall also include a person who is regularly employed by the Library Board of the City of Birmingham, whose duties are performed under the direct supervision of the Library Board, excluding members of such Library Board, and excluding officers elected by the people, and provided that the salary of such person is paid, directly or indirectly, from the public funds of the County.

Section 4. It is hereby provided that Section 2 of Act No. 497 of the Legislature of Alabama of 1965, as heretofore amended, is further amended to read as follows:

Section 2.

The purposes of this Act. The Legislature of Alabama hereby declares that the following are the purposes of this Act: To combine and consolidate into a single retirement pension system for employees and officers of the County the previous retirement systems established for employees and officers, and to provide membership in the system for certain employees of the County not eligible to belong to either of the previous retirement systems and to provide membership in the system established by this Act for the Circuit Solicitor serving the County and certain deputy solicitors serving in said County, to the extent that the compensation of the said Solicitor and the said deputy solicitors is paid by the County and to provide membership in the system established by this Act for the employees of the Cooperative Extension Service of the State of Alabama, provided that an employee so included was receiving, or shall be receiving, monthly compensation from the County for service performed by him as such employee, and to provide membership in the system established by this Act for persons regularly employed by the Library Board of the City of Birmingham, whose duties

are performed under the direct supervision of the Library Board, excluding members of such Library Board, and excluding officers elected by the people, and provided that the salary of such person is paid, directly or indirectly, from the public funds of the County.

Section 5. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:36 P.M.

Act No. 829

H. 1085—Graham, Berryman (W)

AN ACT

To provide for the City of Tuscumbia, Alabama, a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Application. This Act shall apply to and have application in the City of Tuscumbia only and to the police department, the fire department, and the city clerk's office of such city.

Section 2. Definitions. As used in this Act unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them: "city" means the City of Tuscumbia; "employee" means any person (including the head of the department) who is employed in the service of the city on a regular monthly salary in the city clerk's office, the fire department or the police department; "board" means the civil service board created by this Act; "head" of department includes chief of the police department, chief of the fire department, and city clerk; "veteran" means any person who was honorably discharged after serving for six months or more in the armed services of the United States during World War I or World War II. Words used in the masculine gender include the feminine and neuter; the singular includes the plural, and the plural the singular.

Section 3. Civil service system. All employees of the city as herein defined shall be subject to the civil service rules and regulations prescribed in or promulgated pursuant to this Act. Present employees and those who may hereafter be employed shall remain in their respective employments during good be-

havior, efficiency, and obedience to such rules and regulations as may, from time to time, be prescribed by the board, and the board may by rules prescribe a retirement age for all employees; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and no present employee shall be subject to any examination in order to hold his present position.

Section 4. Civil service board. There is created the Civil Service Board of Tuscumbia, which shall be composed of three members designated respectively as Member No. 1, Member No. 2, and Member No. 3, each of whom shall be over twenty-five years of age, of recognized character and ability, and an actual resident in and a qualified elector of the city. No person shall be eligible for membership on the board who holds any civil office of profit under the city, county, or state. Immediately after the passage of this Act, Members No. 1, 2, and 3 shall be appointed by the city governing body. Member No. 1 shall be appointed to serve for a period of one year, Member No. 2 shall be appointed to serve for a period of two years, and Member No. 3 shall be appointed for a period of three years. Each year thereafter the city governing body shall appoint one person as the successor to the member of the civil service board whose term expires that year, to serve for a period of three years. Vacancies occurring from death or resignation shall be filled by the city governing body for the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The board shall meet at least once a month in the municipal building on a date and at an hour to be fixed by its rules and regulations, and as often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum. All appointments to the board shall be by unanimous vote of the governing body of the city.

Section 5. Qualification by member. Every person appointed a member of the civil service board shall, within fifteen days after his appointment, qualify by making oath that he is eligible for said office and will faithfully perform the duties of the same. Such oath shall be administered by any person authorized to administer oaths or by any member of the city governing body, and a copy thereof shall be filed with the city clerk.

Section 6. Compensation. The compensation of each board member shall be one hundred dollars per annum, payable quarterly by the city, and the member chosen to serve as secretary of the board shall be paid an additional sum of fifty dollars per annum, payable quarterly, for his services as secretary.

Section 7. Records of the board. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times. The secretary shall act as the custodian of the records of the board. The police department shall furnish such clerical assistance as may be needed by the board.

Section 8. Powers and duties of the board. The board shall make rules and regulations to carry out the purposes of this Act, and to provide for examinations, appointments, and removals, and the board may, from time to time, make changes in its rules. The head of each department shall recommend for promotion persons to fill any vacancies that may occur in his department. All promotions shall be made by the board. The board may make rules and regulations relating to eligibility for promotion. The board shall: (1) classify the different types of service to be performed in the departments of the city; (2) prescribe qualifications, including those of character, education, training and experience, for the appointees and incumbents of each class; (3) subject to approval of the city governing body, fix a maximum and minimum salary for each class; and (4) allocate each position in the service of the city to its proper class. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, vacations, and leaves of absence; and such rules and regulations shall govern in such matters. Except in connection with a reduction in force, demotion, suspension, or a general decrease in the salary of all employees in any one department, no employee's regular salary or compensation may be reduced without the approval of the board. All employees shall be appointed upon a non-partisan merit basis. In the event a reduction in force becomes necessary in any department, the order of layoff shall be inverse to the order of appointment.

Section 9. Appointments. The board shall make and keep a register or list of all persons eligible and available for appointment to each class of position, and all appointments shall be made from such eligible list. Persons laid off and who are eligible and available for re-employment shall be placed at the head of the proper eligible list in the inverse order of their layoffs. Employees who resign may be granted re-employment status under such circumstances and in such manner as may be provided for in the board's rules and regulations. Persons desiring appointment may file application with the board and the board shall, from time to time, conduct examinations to test the ability and qualifications of such applicants. Except as otherwise provided herein, all applicants shall be examined.

Examinations shall be open to all citizens of the United States, public, competitive, and subject to the limitations specified by the board as to age, residence, health, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position sought. Examinations shall be practical in character and shall relate to those matters which test the ability of the persons examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible list which is more than two years old. All applicants shall be graded. A veteran and the widow of a veteran shall have five points added to his or her grade. Any veteran who is drawing compensation shall have 5 points added to his or her grade. Any veteran who is drawing compensation from the United States because of a service-connected disability shall have 10 points added to his or her grade. The board shall not examine or appoint any person who is not a citizen of the United States or who has been convicted of a felony or an offense involving moral turpitude.

Section 10. Application for employment. All applicants for employment shall file their application in writing with the board, said application to be on blank forms furnished by the board. The board shall conduct all examinations and whenever an examination is to take place shall notify the applicants in writing. Each applicant for examination shall pay to the city clerk the sum of two dollars as an examination fee, and the receipt therefor shall be attached to his application. Said sum shall be placed in the general fund of the city.

Section 11. Vacancies. The city governing body shall notify the board of any vacancy which occurs in the city clerk's office, the fire and police department, and the board shall furnish to it the names and addresses of the three applicants standing highest on the eligible list; and one of the said applicants shall be appointed by the governing body of the city to fill such vacancy. All appointments shall be on a trial basis for a period of six months from the date of appointment. Before the expiration of said period, the head of the department concerned may, by and with the consent of the board, discharge the appointee upon assigning in writing his reasons therefor to the board.

Section 12. Demotions or suspensions. A department head shall have authority in his department to demote any subordinate employee by and with the consent and approval of the board, provided, however, that upon written demand filed with the board within five days from the date of the order of demotion the employee shall be given a public hearing by the board before any order of demotion shall be final. A department head shall have authority to suspend any subordinate employee in his

department pending the hearing by the board. Any head of a department may be similarly suspended or demoted by the city governing body and shall have the same right of hearing.

Section 13. Removals and discharges. No permanent employee shall be removed or discharged except for cause, upon charges filed with and decided by the board, and after an opportunity has been given him to face his accusers, to be heard in his own defense, and to be represented by counsel. Written charges may be filed against any such employee by the governing body of the city or by any member thereof or may be filed by any department head as to any subordinate employee in his department by filing a written statement of such charges with the board. Charges against any department head or any employee may be filed by any resident citizen of the city.

All charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before a member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board, but if the board is of the opinion that a trial should be held thereon, the board shall hold a public hearing on the charges, and take such disciplinary action as in its judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public, provided that when a written waiver of a public hearing, signed by the complainant and the accused employee, is filed with the board, the public may, in the discretion of the board, be excluded. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer furnished by the police department. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by private citizens. In all proceedings before the board, the city attorney may appear and represent the interest of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it. If any employee against whom charges are pending willfully fails or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if he were present. The board, its specially authorized representatives, and each member of the board shall have the

power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. In case a person refuses to obey any subpoena, the board or its representatives may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing such court shall issue a subpoena or order requiring the person to appear before the board or its representatives and produce evidence and give testimony relating to the matter in issue. A person who fails to obey such subpoena may be punished by the court for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the city treasury.

Section 14. Review of decision and appeals. Any party, including the city governing body, aggrieved by a final decision of the board is entitled to a review of such decision by the circuit court of Colbert County, Alabama, by filing a petition in said court within ten days after such final decision is rendered, such petition to be accompanied by such security for the costs of the appeal as may be approved by the clerk of the court. Upon the filing of any such petition and approval of such security, notice thereof shall be served upon the chairman of the board by the petitioner. Such petition shall be heard by the court at the earliest practical date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition, permit the taking of additional evidence before the board and allow modification of the board's findings and final decision. The court upon a hearing of the petition, shall have power to affirm or reverse and render the decision of the board or to remand the matter to the board for further proceedings consistent with the judgment of the court. The court shall affirm the decision of the board unless it finds that the substantive rights of the petitioner have been prejudiced because the final decision of the board was: (1) unsupported by substantial evidence in the record submitted; (2) in excess of the authority conferred by this Act on the board; (3) violative of constitutional provisions; (4) arbitrary or capricious; (5) affected otherwise by substantial error or injustice. Within 30 days an appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama. The decision or order of the board shall not be superseded by any review or appeal, and the city shall not be obligated to pay the salary of any employee who is not working during the pendency of any review or appeal.

Section 15. Political activities prohibited. No person shall be appointed or promoted to, or dismissed from any position, or favored or discriminated against with respect to employment because of his political or religious opinions or affiliation. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No member shall directly or indirectly solicit any employee for a subscription or contribution for any political organization. No employee shall be a member of any national, state or local committee of a political party, or an official of a partisan political club or a candidate for nomination or election to any public office, nor shall he take any part in the management or affairs of any political party or political campaign except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee who violates any of the foregoing provisions of this section shall suffer such disciplinary punishment as the board may direct.

Section 16. Penalties. The violation by any employee of any provision in this Act or of any of the rules or regulations issued by the board in pursuance thereof, shall constitute an offense for which charges may be preferred against such employee as hereinabove provided, and if such charges are sustained by the board, after a notice and hearing as provided, such employee may be discharged or lesser disciplinary action taken against him. The board may in its discretion also decline for a period of one year to reappoint an employee who has been discharged for such cause. The board may on its own motion institute charges against an employee for the violation of any of the provisions of this Act or of any of the rules or regulations issued in pursuance hereof.

Section 17. Special police officers and temporary appointments. The city governing body may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the city governing body the existing conditions demand. All officers so appointed shall be furnished with badges of different size and design from the regulation badges used by the regular members of the police force. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges. From and after the effective date of this Act, all outstanding commissions conferring police authority upon persons other than those who are regular members of the police department of such city shall be void. The city governing body may, in an emergency or in cases where it deems proper, authorize the head of any department named in this Act to appoint for temporary service such number of salaried employees (including part-time employees)

as in the opinion of the board the existing conditions require. No such temporary appointment shall be made for a period of more than 30 days.

Section 18. Chairman of the board. The board shall annually elect one of its members as chairman and one as secretary. All meetings of the board shall be held in the municipal building unless otherwise provided by such board.

Section 19. Printing regulations. The board shall, within 90 days after appointment and qualification of the members thereof, adopt and have printed such rules and regulations, in accordance with the provisions of this Act, as it may deem proper. Said rules and regulations and all amendments thereafter adopted shall be kept on file in the office of the city clerk and open for public inspection. No amendment thereto shall become effective until notice of its adoption has been given for 30 days by posting a copy of the same in the vestibule of the municipal building.

Section 20. Constitutionality. Each section of this Act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or provision of this Act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause or provision of this Act which is not of itself void and unconstitutional.

Section 21. Severability If this Act or its enforcement by the board shall be called into question in any judicial proceedings, or if any person shall fail or refuse to comply with the lawful orders of said board, such board, with the approval of the city governing body, may employ counsel to represent it in sustaining this Act or the enforcement thereof, and the compensation of such counsel shall be paid by the city.

Section 22. Inconsistent laws repealed. All laws and parts of laws in conflict or inconsistent herewith are hereby repealed.

Section 23. Effective date — Referendum. The substantive provisions of this Act shall become effective only if approved by a majority of the qualified electors of the City of Tuscumbia voting at a referendum to be held on the date of the first election held in such city after the passage of this Act. The governing body of the city shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. _____, H. B. No. _____ enacted at the 1969 Regular Session of the Legislature which provides a civil service system for the City of Tuscumbia, be adopted"

Yes () No ()." If a majority of the votes cast in the election are "Yes," the provisions of this Act shall become operative as to such city immediately. If the majority are "No," this Act shall have no effect as to such city. The mayor or other chief executive officer of the city shall certify the results of the election to the Secretary of State of the State of Alabama not later than 30 days after the returns of the election have been canvassed.

Approved September 12, 1969.

Time: 5:37 P.M.

Act No. 830

H. 1091—Mathews

AN ACT

Relating to counties having populations of 10,800 or less, according to the last or any subsequent federal decennial census; to fix the compensation of the county solicitor in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of 10,800 or less, according to the last or any subsequent federal decennial census, the salary of the county solicitor shall be three hundred dollars (\$300) per month. Such salary shall be paid out of the county treasury in equal monthly installments.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:38 P.M.

Act No. 831

H. 1095—Graham, Berryman (W)

AN ACT

Relating to the office of the sheriff of Colbert County; creating a civil service board of appeals, regulating tenure of employment for deputies, and prescribing the authority and the qualifications, terms, duties, and compensation of members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of this Act the following words shall have the following meaning:

"County" shall mean Colbert County.

"Deputy" shall mean any person deputized and regularly employed by the sheriff of the county, and whether or not such employment is regular employment shall be determined by the court of county commissioners or other like county governing body.

"County governing body" shall mean the existing county governing body of Colbert County or any succeeding governing body of such county.

"Civil service board of appeals" shall mean the board created by this Act.

Section 2. This Act shall apply to all regularly employed deputies of the sheriff, except the chief deputy who shall not be subject to the provisions hereof. Provided, however, any deputy sheriff who is promoted to the position of chief deputy shall be entitled to the right of reemployment as a deputy upon completion of his term as chief deputy.

Section 3. There shall be created a civil service board of appeals for the purpose of regulating the tenure of employment of certain deputies in the office of the sheriff. Such board shall be composed of the county governing body, including its chairman, and two additional members to be appointed, one of whom shall be appointed by the county governing body and one by the sheriff of the county. One of the two members originally appointed shall serve for a term of four years and one for a term of six years, and they shall draw lots to determine the length of term each shall serve. Thereafter all appointed members shall serve for terms of six years each and until their successors are appointed and qualified. Members of the county governing body, including the chairman, who shall serve on such board during their respective terms of office on the county governing body shall serve without additional compensation.

No person shall be eligible to appointment who holds any civil office of profit under the federal, state, county or city government, or is a candidate for such office. All appointed members shall be bona fide residents and qualified electors of the county, and shall be persons of recognized character and ability. Vacancies on the board shall be filled for unexpired terms in the same manner as original appointments. Appointed members of the board shall be entitled to receive ten dollars for each day actually served in transacting the business of the board, but no member shall in any case receive more than two hundred fifty dollars (\$250) in any one year, such sums to be paid out of the general fund of the county.

Section 4. The civil service board of appeals shall meet in organizational session in the county courthouse within thirty days after this Act shall become effective, at which time it shall elect a chairman from among its members, and shall meet at such other times as the chairman shall designate or on call of any four of its members.

Section 5. No deputy sheriff to whom this Act applies shall engage in partisan politics or make political contributions nor use or attempt to use any political endorsement or favor in connection with his employment as a deputy, nor shall any deputy use or attempt to use any official authority or influence in connection with the vote or political action of any person or for any consideration. Provided, nothing in this Act shall be interpreted to prevent any deputy from exercising his right to express his opinion privately and to cast his vote. No deputy shall be demoted or dismissed from his position or in any way favored or discriminated against with respect to his employment because of his political or religious opinions or affiliations.

Section 6. Any deputy, to whom this Act applies, who has been given permanent status may be disciplined through suspension, demotion or dismissal. Before any deputy may be suspended or demoted, he must be given written notice at least five days in advance of such cause of action, and no suspension shall be for more than thirty days duration in any twelve months period.

Section 7. Any deputy, to whom this Act applies, may be dismissed for good cause by giving him written notice of the cause, and such deputy shall have an opportunity within a specified period of not less than seven nor more than thirty days to answer the charges made against him and to ask for a hearing before the civil service board of appeals created herein. The board shall thereupon order the charge or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No deputy shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability. If such removal, dismissal or demotion is appealed to the civil service board of appeals, then the same shall become final only after a hearing upon the written charges or complaint has been had, and after an opportunity has been given to the deputy to face his accusers, and to be heard in his own defense. Pending a hearing on said appeal, the affected deputy may be suspended. After such hearing the civil service board of appeals may order such deputy to be reinstated, demoted, removed or discharged or suspended, or take such other disciplinary action as in its judgment is warranted by the evidence and under the law.

Section 8. Charges may be filed by any resident of the county as follows: the charges must be in writing, must set forth succinctly the matter or matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board, such charges are of minor nature, the charges may be referred to the sheriff who shall make an investigation and file his recommendations concerning such charges with said board within such time specified by said board as to what disciplinary action, of any, should be taken. After receipt of such recommendation and after due notice is given to the deputy affected, the board in its discretion, may adopt and order executed such recommended action or part thereof, as it deems appropriate. If, however, the complainant or affected deputy, or both, shall object to the recommendation of the sheriff, the civil service board of appeals shall hold a public hearing de novo on the charges, and take such disciplinary action as in its judgment is warranted by the evidence and under the law.

All hearings before the civil service board of appeals shall be open to the public, provided that when a written waiver of a public hearing, signed by the complainant and the affected deputy, is filed with said board, the public may, in the discretion of the board be excluded. All testimony given in all hearings before said board shall be recorded verbatim whenever the complainant or the affected deputy requests that such record be made. In all cases, the decision of the board shall be reduced to writing and entered in the record. Said board shall have power to administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in any hearing or investigation or proceedings within the purview of this Act.

Section 9. Any deputy aggrieved by the decision of the civil service board of appeals may appeal such decision to the circuit court of the county within thirty days from the rendition of the decision. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented. The findings of fact of the civil service board of appeals shall be final and conclusive.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are repealed.

Section 12. This Act shall become effective on July 1, 1970.

Approved September 12, 1969.

Time: 5:39 P.M.

Act No. 832

H. 1099—McElhaney, Springer, Hobbie,
Cameron, Harris

AN ACT

TO AMEND ACT NO. 240, H. 627, APPROVED JULY 29, 1947, (LOCAL ACTS OF 1947, P. 165) ENTITLED, "AN ACT TO AUTHORIZE AND REQUIRE THE BOARD OF REVENUE OF MONTGOMERY COUNTY, ALABAMA, TO PROVIDE A PENSION OR RETIRING ALLOWANCE PLAN FOR THE EMPLOYEES OF SAID COUNTY BUT NOT FOR THE ELECTED OFFICIALS", TO PROVIDE FOR AN INCREASE IN THE PENSION OR RETIRING ALLOWANCE AUTHORIZED BY SAID ACT.

Be It Enacted by the Legislature of Alabama:

Section 1. Under the provisions of Act No. 240 of the Legislature of Alabama, approved July 29, 1947 (Local Acts of 1947, P. 165), certain employees of the County are now receiving a pension or retiring allowance and other employees of the County will be so entitled to receive a pension or retiring allowance in the future. Upon the passage of this amendment to Act No. 240 of the Legislature of Alabama, approved July 29, 1947, and its approval by the Governor and upon its otherwise becoming a law, such employees shall be entitled to a twenty percent (20%) increase in such pension or retiring allowance and the Board of Revenue of Montgomery County, Alabama, is hereby authorized and directed to add such twenty percent (20%) increase for employees now retired and other employees who may retire in the future.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:40 P.M.

Act No. 833

H. 1100—McElhaney, Hobbie, Springer,
Cameron, Harris

AN ACT

TO PROVIDE FOR THE ESTABLISHMENT AND ADMINISTRATION OF A RETIREMENT SYSTEM TO PROVIDE RETIREMENT

ALLOWANCES AND OTHER BENEFITS FOR CERTAIN EMPLOYEES OF THE COUNTY OF MONTGOMERY, ALABAMA, AND ULTIMATELY TO SUPERSEDE THE EXISTING PENSION SYSTEMS ESTABLISHED BY ACT NO. 240 OF THE LEGISLATURE OF ALABAMA OF 1947 AND BY ACT NO. 176 OF THE LEGISLATURE OF ALABAMA OF 1959.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions

The following words and phrases as used in this Act, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Retirement System" shall mean the Retirement System for Employees of Montgomery County, as defined in Section 2 of this Act.

(2) "County" shall mean the County of Montgomery, Alabama.

(3) "Board" shall mean the Board of Revenue of the County.

(4) "Medical Board" shall mean the board of physicians provided for in Section 5, Subsection (5), of this Act.

(5) "Employee" shall mean any regular and permanent officer or employee of the County, excluding any such employee whose compensation is paid on a per diem basis and excluding any elected official. In all cases of doubt, the Board shall decide who is an employee within the meaning of this Act.

(6) "Member" shall mean any person included in the membership of the Retirement System as provided in Section 3 of this Act.

(7) "Service" shall mean service in the employment of and paid for by the County, including service in the armed forces of the United States rendered between periods of County service, and service as a temporary acting official of the County rendered during the period the regular elective officials served in the armed forces of the United States. Service while in the employment of the County and paid for partially by the City of Montgomery, Alabama, and the State of Alabama shall also be included if contributions on account of such service are made in accordance with Section 3, Subsection (4) of this Act.

(8) "Creditable service" shall mean service for which credit is allowable as provided in Section 4, Subsection (3), of this Act.

(9) "Retirement allowance" shall mean annual payments for life. All retirement allowances shall be payable in monthly installments continuing to the last payment prior to death.

(10) "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided by the Retirement System.

(11) "Accumulated contributions" shall mean the sum of all the amounts deducted from the compensation of a member and all the amounts deducted from his compensation while covered under the Pension Plan or the Pension System credited to his individual account in the Members' Account, as provided in Section 7, Subsection (1), of this Act.

(12) "Earnable compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time. In cases where compensation includes maintenance, the Board shall fix the value of that part of compensation not paid in money.

(13) "Highest monthly compensation" shall mean the highest monthly earnable compensation of a member during any month of his creditable service.

(14) "Regular interest" shall mean interest at the rate established from time to time by the Board as provided in Section 7, Subsection (2), Paragraph (h), of this Act.

(15) "Pension Plan" shall mean the pension system for County employees established by Act No. 240, H. 627, approved July 29, 1947 (Local Acts of 1947, p. 165 as amended) as said system existed immediately prior to the operative date of this Act.

(16) "Pension System" shall mean the Montgomery County Employees' Retirement System established by Act No. 176, S. 272, approved September 28, 1959, Local Acts of 1959, p. 702, as said system existed immediately prior to the operative date of this Act.

(17) "Operative date" shall mean the date the Retirement System begins operation as provided in Section 2 of this Act.

(18) The masculine pronoun shall include the feminine pronoun.

Section 2. Name and Date Operative.

The Board of Revenue is hereby authorized to establish a retirement system for the purpose of providing retirement allowances and other benefits under the provisions of this Act for employees of the County of Montgomery. The Retirement System shall begin operation as of the date set by the Board by Resolution or Resolutions adopted by the Board, but in no event beyond ninety days after the effective date of this Act.

It shall be known as the "Retirement System for Employees of Montgomery County" under which name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received.

Section 3. Membership

(1) Any person who becomes an employee on or after the operative date shall, as a condition of his employment, become a member of the Retirement System on the first day of the calendar month following his employment.

(2) Any person in service on the operative date who became an employee prior thereto and who on such date is not a member of the Pension Plan or the Pension System shall become a member of the Retirement System as of the operative date.

(3) Any employee in service on the operative date who is covered by the Pension Plan or the Pension System shall file with the Board within thirty days following the operative date on a form prescribed by the Board a notice of his election either to become a member of the Retirement System as of the operative date or to remain covered by the Pension Plan or the Pension System, as the case may be. Upon becoming a member of the Retirement System, such employee shall thereupon cease to be covered by the provisions of the Pension Plan and the Pension System and shall have no further rights thereunder. Any employee who is not in service on the operative date who is covered by the Pension Plan or the Pension System on said date shall file an election in the manner set forth above within 30 days following his return to service. Any person already retired under the provisions of the Pension Plan or the Pension System shall not be eligible for membership in the Retirement System.

(4) Anything in this Act to the contrary notwithstanding, any employee whose earnable compensation is paid in whole or in part by the City of Montgomery, Alabama, or the State of Alabama, and the County of Montgomery and who is not otherwise covered by a pension system of the City or the State, or the County, may become a member if otherwise eligible, provided the City, the State and the County contribute to the Retirement System on his account in proportion to the sums which the City, the State and the County pay as salary or wages for such an employee.

(5) The Board shall classify each member on the basis of his duties in one of the following classes:

Class I. General County Employees.

Class II. Law Enforcement Employees, including Chief Deputy Sheriff; Deputy Sheriff Captains; Deputy Sheriff Lieutenants; Deputy Sheriff Civil Officers; Deputy Sheriffs; Deputy Sheriff Matrons; or Deputy Sheriffs of whatever rank or rate that may hereafter be provided for, also any Jail Warden; Captains; Deputy Jail Wardens; Identification Officers; Jailers; Jail Stewards, or any other jail personnel hereinafter provided for, but nothing in this Act shall be construed to include clerical employees, clerks or clerk typists, employed in the Sheriff's Department. Such clerical employees, clerks or clerk typists shall be in Class I.

The Board shall certify to the member of the class in which he is placed. When the duties of a member so require, the Board may change his classification and shall certify to him the class to which he has been reclassified, except that no member having fifteen or more years of service in one class may be so reclassified.

(6) Should any member in any period of seven consecutive years after last becoming a member be absent from service more than six years, or should he withdraw his accumulated contributions or die or retire under the provisions of this Act, he shall thereupon cease to be a member.

Section 4. Service Creditable

(1) Each member shall receive service credit for all service rendered while a member of the Retirement System since he became a member, or since he last became a member in the event of a break in his membership.

(2) In addition, any employee who becomes a member pursuant to Section 3, Subsection (3), of this Act shall be credited with all service prior to the operative date which is creditable to him as of that date pursuant to the provisions of the Pension Plan or the Pension System. When membership ceases other than by retirement, the employee's credit for such service shall be cancelled and should he again become a member he shall not be entitled to credit for service prior to the operative date.

(3) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of his service credit while a member and, if he continues in service to retirement without a break in membership, any service prior to the operative date creditable under the provisions of Subsection (2) of this Section.

(4) Anything in this Act to the contrary notwithstanding, if an employee is absent due to service in the armed forces and

returns to County service within ninety days after becoming entitled to discharge or within ninety days after hospitalization continuing after discharge for a period of not more than two years, credit for such period of absence commencing prior to the operative date shall be allowed as if such service had been service prior to the operative date as an employee of the County with compensation at the employee's rate of compensation in effect immediately prior to such absence, provided that, in no event shall an employee who becomes a member pursuant to Section 3, Subsection (3), of this Act be credited with more service prior to the operative date than he was entitled to receive under the Pension Plan or the Pension System for the comparable period. The period of any such absence commencing on or after the operative date shall be allowed as membership service credit as if such service had been service as an employee of the County with compensation at the member's rate of compensation in effect immediately prior to such absence, provided contributions are made by the member on account of such period.

Section 5. Administration

(1) The general administration and the responsibility for the proper operation of the Retirement System and for making effective the provisions of this Act are hereby vested in the Board of Revenue of Montgomery County, Alabama.

(2) The Board shall have the power, right and authority from time to time to establish rules and regulations for the administration of the Retirement System and for the transaction of its business.

(3) The Board shall keep in convenient form such data as shall be necessary for actuarial valuation of the Retirement System and for checking the experience of the Retirement System.

(4) The Board shall keep a record of all of its proceedings, which records shall be open to public inspection.

Medical Board

(5) The Board shall designate a Medical Board of one, two or three physicians who are not eligible to participate in the Retirement System. The Medical Board shall arrange for and pass upon all medical examinations required under the provisions of this Act, shall investigate all essential statements and certificates by or on behalf of a member in connection with application for disability retirement, and shall report in writing to the Board its conclusions and recommendations upon all the matters referred to it. The members of the Medical Board

shall receive such compensation for their services as the Board shall approve.

Duties of Actuary

(6) The Board shall designate an actuary who shall be the technical adviser of the Board on matters regarding the operation of the Retirement System and who shall perform such other duties as are required in connection therewith. The actuary shall serve at the pleasure of the Board and all contracts with such actuary shall be subject to this provision.

(7) The Board shall adopt for the Retirement System from time to time such mortality, service and other tables as shall be deemed necessary, and on the basis of such tables and regular interest the actuary shall make annually an actuarial valuation of the assets and liabilities of the Retirement System. At least once in each five-year period the Board shall cause an actuarial investigation to be made into the mortality, service and compensation experience of the members and beneficiaries of the Retirement System.

Section 6. Benefits

(1) Service Retirement Allowance

(a) The minimum service retirement age for a member in Class I shall be age sixty-two. The minimum service retirement age for a member in Class II shall be the age at which he completes twenty years of creditable service or age fifty-five, whichever occurs later. Any member in service who has attained his minimum service retirement age shall be retired by the Board on a service retirement allowance upon his written application setting forth at what time, not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

(b) Any member in service who has attained age seventy shall be retired forthwith by the Board on a service retirement allowance; provided that upon the request of his department head, approved by the Board, a member who has attained age seventy may be permitted to continue in active service for a period of one year as the result of each such request. More than one such request may be made relative to a person. Notwithstanding an extension of a member's service after he has attained age seventy, such member shall be retired by the Board on a service retirement allowance upon his written application setting forth at what time, not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired.

(c) The annual service retirement allowance for Class I employees shall be equal to one and one-half per centum (1 1/2%) of the member's highest monthly compensation, multiplied by the number of months of his creditable service. The annual service allowance shall not exceed twelve times fifty per centum (50%) of the member's highest monthly compensation.

(d) The annual service retirement allowance for Class II employees shall be equal to two per centum (2%) of the member's highest monthly compensation multiplied by the number of months of his creditable service. The annual service retirement allowance shall not exceed twelve times sixty per centum (60%) of the member's highest monthly compensation.

(2) Early Retirement Allowance

(a) A member who has not reached his minimum service retirement age but who has completed fifteen years of creditable service and has attained age fifty-five in the case of a member in Class I, or age fifty in the case of a member in Class II, may be retired from service on an early retirement allowance not less than thirty nor more than ninety days next following receipt by the Board of written application therefor made by the member.

(b) The early retirement allowance shall commence immediately and shall be equal to a service retirement allowance computed on the basis of his highest monthly compensation and creditable service at the time of early retirement, reduced by one-half of one per centum (1/2%) for each month by which his early retirement date precedes the date on which he would have attained his minimum service retirement age had he remained in service.

(3) Disability Retirement Allowance

(a) Upon the application of a member in service or of the head of the department in which the member is employed, any member who has completed ten years of creditable service may be retired by the Board on a disability retirement allowance not less than thirty nor more than ninety days next following the execution and filing of such application; provided that the Medical Board, after a medical examination of such member, shall certify that he is mentally or physically incapacitated for the further performance of duty, that such incapacity did not result from an accident in the actual performance of duty entitling him to Workmen's Compensation or a similar benefit under the laws of the State of Alabama, that such incapacity is likely to be permanent, and that such member should be retired. If the member is entitled to sick leave with pay under the laws,

rules and regulations governing County employees, the disability retirement allowance shall not commence until the expiration of such sick leave with pay.

(b) The disability retirement allowance shall be equal to a service retirement allowance computed on the basis of the member's highest monthly compensation and creditable service at the time of disability retirement.

(c) If a member becomes mentally or physically incapacitated for the further performance of duty as the result of an accident occurring in the performance of his duty as a County employee entitling him to Workmen's Compensation or similar benefits payable under the laws of the State of Alabama, he shall be paid his accumulated contributions in a lump sum.

(4) Survivor Allowance

(a) Upon the receipt of proof, satisfactory to the Board, of the death of a member in service who has attained his minimum service retirement age, a survivor allowance shall be paid to the surviving spouse, if any, of the deceased member until the earlier of the death or remarriage of such surviving spouse, provided that his death is not the result of an accident in the actual performance of duty entitling his surviving spouse or children to Workmen's Compensation or a similar benefit under the laws of the State of Alabama. If there is no surviving spouse, or if such spouse dies or remarries before the youngest child of the deceased member has attained age eighteen, the survivor allowance shall be paid to or for the use of the member's child or children under said age, if any, divided in such manner as the Board in its discretion shall determine, to continue until each such child dies or attains said age.

(b) The survivor allowance shall be equal to seventy-five per centum (75%) of the service retirement allowance to which the member would have been entitled had he retired on the date of his death.

(c) Any member may, by written notice filed with the Board, elect that in the event of his death in service after attaining his minimum service retirement age his accumulated contributions shall be payable in the manner provided by Subsection (5), Paragraph (b), of this Section, in lieu of any survivor allowance otherwise payable.

(5) Return of Contributions

(a) Should a member cease to be an employee for any reason other than death or retirement under the provisions of this Act,

he shall be paid on demand his accumulated contributions without interest.

(b) Upon the receipt of proof, satisfactory to the Board, of the death of a member prior to retirement, his accumulated contributions without interest shall be paid to such person, if any, as he shall have nominated by written designation duly acknowledged and filed with the Board, if such person survives him, otherwise to the estate of the member, provided that no survivor allowance is payable under Subsection (4) of this Section.

(c) Upon the receipt of proof, satisfactory to the Board, of the death of a retired member who has not elected the optional benefit provided by Subsection (8) of this Section, the excess, if any, of his accumulated contributions without interest over the sum of the retirement allowance payments received by him shall be paid to such person, if any, as he shall have nominated by written designation duly acknowledged and filed with the Board, if such person survives him, otherwise to the estate of the member.

(d) After three years from the date and time any return of contributions is due an employee, no claim, suit or action may be filed or brought in any court of law or equity or otherwise for the return of such sum.

(e) All sums remaining after being barred by Paragraph (d) of this Subsection shall vest in the Retirement System.

(f) Any employee who has more than five years membership service at the time his accumulated contributions are to be paid under Paragraphs (a), (b) or (c) of this Sub-Section 5, shall be paid his accumulated contributions plus an amount equal to one and one-half percent ($1\frac{1}{2}\%$) of his accumulated contributions.

(6) Re-examination of Beneficiaries

Retired on Account of Disability

(a) Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the Board may, and upon his application shall, require any disability beneficiary who has not yet attained his minimum service retirement age to undergo a medical examination, by the Medical Board or by a physician or physicians designated by the Medical Board, such examination to be made at the place of residence of such beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not attained his minimum service retirement age refuse to submit to such medical examination,

his retirement allowance may be discontinued by the Board until his withdrawal of such refusal, and should his refusal continue for one year, all his rights in and to his retirement allowance may be revoked by the Board.

(b) Should the Medical Board report and certify to the Board that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his highest monthly compensation at retirement, and should the Board concur in such report, then the part of his allowance not provided by his own contributions shall be reduced to an amount which, together with the part of his allowance provided by his own contributions, and the amount earnable by him, shall equal the amount of his highest monthly compensation at retirement. Should his earning capacity be later changed, the amount of his allowance may be further modified, provided that it shall not exceed the amount originally granted.

(7) Restoration of Beneficiaries to Membership

Should a disability beneficiary be restored to or be in service at a compensation equal to or greater than this highest monthly compensation at retirement, or should any other beneficiary be restored to service, his retirement allowance shall cease, any election of the optional benefit under Subsection (8) of this Section shall become void, he shall again become a member of the Retirement System and shall contribute thereafter at the then prevailing rate. An amount equal to the actuarial reserve held for the part of his retirement allowance provided by his contributions shall be credited to him as accumulated contributions. Any creditable service to which he was entitled when he retired shall be restored to him, and upon subsequent retirement his retirement allowance shall be based on his compensation and creditable service before and after the period of prior retirement; provided that if he does not complete three years of creditable service after his restoration to service, the part of his retirement allowance upon subsequent retirement payable with respect to creditable service rendered before the period of his previous retirement shall be equal to his previous retirement allowance with all of the provisions of the optional benefit under Subsection (8) of this Section restored, if such benefit was elected, with respect to such part of his retirement allowance.

(8) Optional Benefit

(a) Until the first payment on account of his retirement allowance becomes normally due, any member may elect to convert the retirement allowance otherwise payable to him into a

modified retirement allowance as described below; provided, however, that should he die within thirty days after the first payment on account of his retirement allowance becomes normally due, his optional election shall not be effective and he shall be considered to be a member in service at the time of his death, and any amount payable under Subsection (4) or Subsection (5) of this Section shall be reduced by any retirement allowance payments received by him prior to his death.

(b) The optional benefit shall be a retirement allowance payable during the life of the retired member, equal to ninety per centum (90%) of the retirement allowance which would otherwise have been payable to the retired member, with the provision that upon his death an allowance equal to seventy-five per centum (75%) of the allowance which would otherwise have been payable to the retired member shall be paid to his surviving spouse, if any, until the earlier of the death or remarriage of the surviving spouse. If there is no surviving spouse, or if such spouse dies or remarries before the youngest child of the deceased retired member has attained age eighteen, such allowance shall be paid to or for the use of the retired member's child or children under said age, if any, divided in such manner as the Board in its discretion shall determine, to continue until each such child dies or attains said age.

Section 7. Method of Financing

All of the assets of the Retirement System shall be credited, according to the purpose for which they are held, among three accounts, namely, the Members' Account, the Accumulation Account, and the Expense Account.

(1) Members' Account

(a) The Members' Account shall be the account in which shall be held the contributions made under the Pension Plan or the Pension System by members who are covered thereunder prior to the operative date and in which shall be accumulated the contributions deducted pursuant to this Act from the compensation of members. The rate of contribution to the Retirement System by the members shall be three and one-half per centum ($3\frac{1}{2}\%$) of the earnable compensation of members in Class I and five per centum (5%) of the earnable compensation of members in Class II. No deduction shall be made from the compensation of a Class I member who has completed thirty-three and one-third years of creditable service. No deduction shall be made from the compensation of a Class II member who has completed thirty years of creditable service.

(b) The Board shall cause to be deducted from the compensation of each member on each and every payroll for each

and every payroll period, such proportion of the member's earnable compensation. In determining the amount earnable by a member in a payroll period, the Board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth of one per centum of the compensation upon the basis of which such deduction is made.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction and less other authorized deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment.

(d) the proper authority or officer responsible for making up the payroll shall certify to the Board the amounts deducted on each and every payroll and each of such amounts shall be paid into the Members' Account and credited to the individual account of the member from whose compensation the deduction was made. As of the operative date, there shall be credited to the individual account of each member the amount of his contributions, if any, transferred from the Pension Plan or the Pension System.

(e) The accumulated contributions of a member, paid upon his death or withdrawn by him as provided in this Act, shall be paid from the Members' Account. Upon the retirement of a member, or if a survivor allowance becomes payable on his account, his accumulated contributions shall be transferred from the Members' Account to the Accumulation Account.

(2) Accumulation Account

(a) The Accumulation Account shall be the account in which shall be accumulated all contributions made by the County to provide benefits under the Retirement System and from which shall be paid all retirement allowances and other benefits under the Retirement System, other than those payable from the Members' Account. The amounts of assets transferred from the Pension Plan and the Pension System to the Retirement

System pursuant to Section 9, Subsection (2), of this Act which are in excess of the amounts credited to the Members' Account as accumulated contributions shall be credited to the Accumulation Account.

Regular Contributions by County

(b) On account of each member there shall be paid annually into the Accumulation Account a certain percentage of the compensation of each member to be known as the "normal contribution", and an additional percentage of his compensation to be known as the "accrued liability contribution". The rates per centum of such contributions shall be fixed on the basis of the liabilities of the System as shown by actuarial valuation. Until the first valuation, the normal contribution shall be 4.41 per centum of the compensation of members in Class I and 7.97 per centum of the compensation of members in Class II, and the accrued liability contribution shall be 4.54 per centum of the compensation of members in Class I and 6.99 per centum of the compensation of members in Class II.

(c) The normal rates of contribution shall be determined after each actuarial valuation. During the period over which the accrued liability contributions are payable, the normal rates of contribution shall be determined, on the basis of regular interest and the tables last adopted by the Board, as the uniform and constant percentages of the compensation of the average new entrant member in Class I or in Class II, as the case may be, which, if contributed on the basis of the prospective compensation of such new entrant throughout his entire period of active service, would be sufficient to provide for the payment of any retirement allowance or other benefit payable on his account not provided by his own contributions. After the accrued liability contributions have ceased to be payable, the normal contribution rate for each class of members shall be the rate per centum of the compensation of such members obtained by deducting from the total liabilities of the Accumulation Account on account of members and beneficiaries in each class the amount of the funds in hand standing to the credit of the Accumulation Account applicable to such members and beneficiaries, and dividing the remainder by one per centum of the present value of the prospective compensation of such members, as computed at regular interest on the basis of the tables last adopted by the Board.

(d) Immediately succeeding the first valuation, the accrued liability on account of each class of members shall be computed by the actuary as the amount of the total liabilities of the Accumulation Account on account of members and beneficiaries in such class in excess of the funds in hand held on their account

in the Accumulation Account which is not dischargeable by the aforesaid normal contributions to be made on account of such members during the remainder of their active service. The accrued liability contribution rate for each class of members shall be determined by calculating the amount which, if paid each year during the forty year period immediately following the operative date, would liquidate the accrued liability on account of members and beneficiaries in each class, and dividing such amount by one per centum of the total earnable compensation of members in each class.

(e) The total amount payable by the County in each year to the Accumulation Account shall be not less than the sum of the rates per centum, known as the normal contribution rate and the accrued liability contribution rate, of the total compensation of all members in Class I and Class II, respectively, during the preceding year; provided, however, that the amount of each annual accrued liability contribution shall be not less than the preceding annual accrued liability contribution, and that the aggregate payment shall be sufficient, when combined with the amount in the account, to provide the part of the retirement allowances and other benefits provided by contributions made by the County payable to members and beneficiaries during the year then current. The County contributions to the Retirement System shall be paid from the County departmental fund from which each particular employee derives his payment of wages or salary.

(f) The accrued liability contributions shall be discontinued as soon as the amount of the funds standing to the credit of the Accumulation Account shall equal the present value, as actuarially computed and approved by the Board, of the total liabilities of the Account on account of all members and beneficiaries less the present value of the normal contributions to be received at the normal rates then in force on account of persons who are at that time members.

Interest

(g) All interest and dividends earned on the funds of the Retirement System shall be credited to the Accumulation Account.

(h) Regular interest shall mean interest at the per centum rate or rates compounded annually as shall be determined by the Board from time to time, limited to a minimum of two per centum (2%) and a maximum of five per centum (5%), with the latter rate applicable from the operative date until changed by the Board.

Benefits Payable from Accumulation Account

(i) All retirement allowances to beneficiaries, and benefits in lieu thereof, shall be paid from the Accumulation Account.

(3) Expense Account

The Expense Account shall be the account to which shall be credited all money provided by the County to pay the administration expenses of the Retirement System, and from which shall be paid all the expenses necessary in connection with the administration and operation of the Retirement System.

(4) Appropriations

(a) On or before the first day of October of each year the Board shall determine the amount of the appropriation necessary to pay the normal and accrued liability contributions to the Accumulation Account for the ensuing year, and the amount of appropriation required to cover the expenses necessary in connection with the administration and operation of the Retirement System, and such amounts shall be included in the Budget, in accordance with legal budget procedure.

(b) To cover the requirements of the System for the period prior to the first day of October, nineteen hundred and sixty-nine, such amounts as shall be necessary for such purpose shall be paid into the Accumulation Account and the Expense Account by special appropriations or transfers to the Retirement System by the County.

Section 8. Management of Funds

(1) The members of the Board shall be the trustees of all of the assets of the Retirement System and shall have full power to invest and reinvest such assets, including the power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments in which any of the assets of the Retirement System may have been invested, as well as the proceeds of said investments and any moneys belonging to the Retirement System.

(2) The Board shall designate either the Clerk of the Board or a bank or trust company, to be the custodian of the assets of the Retirement System. All payments from the funds of the Retirement System shall be made only upon regular vouchers signed by the Clerk of the Board. No voucher shall be drawn unless it shall have been previously authorized by resolution of the Board.

(3) The Board may appoint an Investment Committee which shall consist of three members of the Board. The Invest-

ment Committee shall have the authority and it shall be its duty to carry out the investment policies fixed by the Board, and pursuant thereto it shall examine all offers of investments made to the Retirement System, shall initiate inquiries as to available investments therefor, shall review periodically the investment quality and desirability of retention of investments held, and shall from time to time make, or cause to be made, such purchases and sales of investments as it shall deem to be in the best interests of the Retirement System. The Investment Committee may act through the affirmative vote of any two of its members.

(4) The Board may appoint and employ a bank or trust department thereof or other investment advisor as consultant to the Board or to the Investment Committee, in the purchase, sale and review of investments of the Retirement System, to such extent as the Board may designate.

(5) For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept on deposit available cash, not exceeding ten per centum of the total assets of the Retirement System.

(6) Except as otherwise herein provided, no member or employee of the Board shall have any direct or indirect interest in the gains or profits of any investment made by the Board. No member or employee of the Board shall, directly or indirectly, for himself or as an agent, in any manner use said gains or profits, except to make such current and necessary payments as are authorized by the Board.

Section 9. Certain Provisions Relating to the Pension Plan and the Pension System

(1) This act and the provisions of this Retirement System shall supersede the Pension System as to any persons becoming employed by the County on and after the operative date, and no person becoming an employee of the County after said date shall participate in any way in the Pension System.

(2) The assets of the Pension Plan and of the Pension System as of the operative date shall be allocated between those employees who elect to become members of the Retirement System pursuant to Section 3, Subsection (3), of this Act and those who elect to remain covered under the Pension Plan or the Pension System, in the following manner. On account of each non-retired employee, there shall be allocated an amount equal to the sum of his contributions under the Pension Plan or the Pension System, as the case may be. The balance of the assets of the Pension Plan and the Pension System, after deducting the employees' contributions thereunder so allocated,

shall be allocated in proportion to such employees' contributions under the Pension Plan and the Pension System, respectively. The total amount of assets so allocated under the Pension Plan and the Pension System on account of employees who elect to become members of the Retirement System shall be transferred to the Retirement System as soon as practicable after the operative date.

(3) The County shall from time to time make such contributions to the Pension Plan and the Pension System as are necessary to provide the benefits thereunder on account of employees retired prior to the operative date and on account of employees who elect to remain covered thereunder pursuant to Section 3, Subsection (3), of this Act.

Section 10. Assignments Prohibited

(1) The property and funds of the Retirement System, the contributions of members deducted from their compensation, the right of a person to a retirement allowance or other benefit, and any other right accrued or accruing to any person under the provisions of this Act and the moneys in the various accounts created by this Act shall not be subject to taxation by the County nor by the State of Alabama, nor be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws or any other process of law whatsoever to satisfy any debt or liability of any member, and shall be unassignable except as in this Act specifically provided.

(2) Nor shall any benefit or sum be mortgaged, pledged or alienated except that an employee entitled to any return of contributions or payments due him or her which has not been actually received may dispose of such sum or claim thereto by Last Will and Testament or the disposition of such sums shall be subject to the laws of Descent and Distribution of Alabama, in existence at such time in the event of such employee leaving no valid last will.

Section 11. Protection Against Fraud

Whoever with intent to deceive shall make any claim, statements, representations or reports required under this Act which are untrue, or shall falsify or permit to be falsified any record or records of this Retirement System shall be fined not to exceed one hundred dollars, or imprisoned in the Montgomery County Jail not to exceed six months, or both.

Section 12. Errors

Should any change or error in the records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the

records been correct, the Board shall have the power to correct such error, and as far as practicable, to adjust the payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

Section 13. General Conditions

(1) The Board of Revenue shall have the continuing right and power to implement this Act at any time, by promulgating reasonable rules and regulations and making reasonable interpretations and orders; and the Legislature hereby expressly reserves to itself the right and power to amend, supplement, modify, or repeal this Act at any time.

(2) All provisions of any Act inconsistent with the provisions of this Act are hereby expressly repealed to the extent of such inconsistency.

(3) If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated.

Section 14. Date Act Effective

This Act shall take effect on and after its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:41 P.M.

Act No. 834

H. 1101—Pearson

AN ACT

Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to authorize the county governing bodies of such counties to employ the clerks of the circuit courts in such counties to perform certain duties, and to prescribe such duties and to provide for payment of compensation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census, the board of revenue or other like governing bodies of each county may employ the circuit clerk to perform certain duties for such governing body in addition to his duties as clerk of the circuit court. The board of revenue or other like governing body shall prescribe and designate such

duties and shall fix and provide for the payment of reasonable compensation for the performance of such duties. Such compensation shall be paid out of any funds of the county available for such purpose.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:42 P.M.

Act No. 835

H. 1102—Pearson

AN ACT

Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census; to provide for an expense allowance for the sheriff in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census, the sheriff shall be entitled to an expense allowance not to exceed two hundred and fifty dollars (\$250) per month for patrolling the county roads and for policing the flow of traffic on such roads. The exact amount of this expense allowance shall be prescribed by the county governing body and such allowance shall be payable from the county public highway and traffic fund. Such allowance shall be in addition to any other compensation or allowances prescribed by law for such sheriffs.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall take effect on the first day of the month following its enactment.

Approved September 12, 1969.

Time: 5:43 P.M.

Act No. 836

H. 1103—Pearson

AN ACT

Relating to counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census: to provide an allowance for the employment of additional clerical assistance by the tax collectors and tax assessors of such counties; to repeal conflicting laws.

Section 1. In all counties having populations of not less than 15,400 nor more than 16,000, according to the most recent federal decennial census, the board of revenue or other like governing body shall provide an allowance for the employment of additional clerical assistance for only a part of the year for the tax collector and tax assessor. Such allowance shall not exceed six hundred dollars (\$600) per annum and shall be paid from the general funds of the county on warrants drawn in the manner prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:44 P.M.

Act No. 837

H. 1106—Holladay

AN ACT

Relating to counties having a population of not less than 24,800, nor more than 25,400; authorizing boards of equalization in such counties to meet 200 days per year and increasing the compensation of members to \$15.00 per day.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 24,800 nor more than 25,400 according to the most recent federal decennial census, the members of the board of equalization in all such counties shall serve for not more than 180 working days in each taxable year, the exact working period to be fixed or approved by the department of revenue, and each member shall be paid at the rate of \$15.00 per diem.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:45 P.M.

Act No. 838

H. 1107—Merrill, Fite, Bank, Lybrand

AN ACT

To authorize the court of county commissioners, board of revenue, or like governing body of the several counties of this state, to appropriate funds of the county to the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc.

Be It Enacted by the Legislature of Alabama:

Section 1. The courts of county commissioners, boards of revenue, and other like governing bodies of the several counties of the state, are hereby authorized to make appropriations to the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc., incorporated May 28, 1968.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:46 P.M.

Act No. 839

H. 1108—Beck, Meade

AN ACT

TO ALTER, REARRANGE AND EXTEND THE BOUNDARY LINES AND CORPORATE LIMITS OF THE TOWN OF MENTONE, IN DEKALB COUNTY, ALABAMA; AND TO PRESCRIBE THE TIME WHEN THIS ACT SHALL BECOME EFFECTIVE.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Mentone, in the County of DeKalb, State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said Town of Mentone all of the territory lying within the following described boundary, or within the following described territory, including that property heretofore included within the corporate limits of the said Town of Mentone, and to constitute as the boundary, or limit, of the said Town of Mentone the following, to wit:

Begin at the northeast corner of the Northeast Fourth of the Northwest Fourth of Section 28, Township 5 South, Range 10 East, and run thence southwest to the northeast corner of the Southwest Fourth of the Northwest Fourth of the said Section 28, Township 5 South, Range 10 East; thence southwest

to the northeast corner of the Southeast Fourth of the Southeast Fourth of Section 29, Township 5 South, Range 10 East; thence southwest to the northwest corner of the Northeast Fourth of the Northeast Fourth of Section 32, Township 5 South, Range 10 East; thence south along the quarter mile line to the northeast corner of the Northwest Fourth of the Southeast Fourth of the said Section 32, Township 5 South, Range 10 East; thence southwest to the southwest corner of the Southeast Fourth of the Southwest Fourth of the said Section 32; thence east along the south section lines of Sections 32, 33, and 34 of Township 5 South, Range 10 East, to the southeast corner of the said Section 34; thence north along the east section lines of Section 34 and Section 27 of Township 5 South, Range 10 East, to the northeast corner of the said Section 27; thence west along the north section line of the said Section 27 and continuing west along the north section line of Section 28, Township 5 South, Range 10 East to the northeast corner of the Northeast Fourth of the Northwest Fourth of the said Section 28, and to the point of beginning. All lying in DeKalb County, Alabama, and east of the Huntsville Meridian.

Section 2. Any law or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage, and approval by the Governor, or upon its otherwise becoming law.

Section 4. Should any part of this Act be declared to be invalid by any court of competent jurisdiction such declaration, judgment, or decree shall not affect the validity of the remainder of this Act.

Approved September 12, 1969.

Time: 5:47 P.M.

Act No. 840

H. 1109—Beck, Meade

AN ACT

To apply only in counties having populations of not less than 40,000 nor more than 45,000; providing an expense allowance payable from the county treasury for the use of the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 40,000 nor more than 45,000 according to the last or any succeeding federal decennial census, the coroner shall be entitled to an allowance of not more than \$150.00 per month for expenses

incurred in and about the performance of the duties of his office. The amount of such allowance shall be determined by the county governing body and shall be paid at the end of each month from any funds in the county treasury not otherwise appropriated. The allowance shall be in addition to all compensation, fees, and allowances heretofore provided by law.

Section 2. This act is cumulative and shall take effect immediately upon its enactment.

Approved September 12, 1969.

Time: 5:48 P.M.

Act No. 841

H. 1111—McCorquodale, Agee

AN ACT

Relating to counties having populations of not less than 25,700 nor more than 25,900 according to the most recent federal decennial census; to authorize the governing body in such counties to provide additional deputies for the sheriff; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 25,700 nor more than 25,900, according to the most recent federal decennial census, the governing body may authorize the employment of such number of additional full-time deputies for the sheriff as it shall, in its discretion, prescribe, and shall provide for the payment of their compensation out of the county treasury. The deputies provided for herein shall be in addition to any other deputies heretofore or hereafter provided by law for the sheriff of any such county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law and shall expire four (4) years from the date of its becoming effective.

Approved September 12, 1969.

Time: 5:49 P.M.

Act No. 842

H. 1115—Graham

AN ACT

Relating to Colbert County board of revenue; abolishing the office of chairman of the board, providing that the probate judge shall be

chairman of the board and transferring certain authority and duties of the incumbent chairman to said judge; further regulating the salaries of board members; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. A successor to the office of chairman of the board of revenue of Colbert County shall not be elected in the general election to be held in November 1970 and upon the expiration of the term of the incumbent chairman on the first Monday after the second Tuesday in January 1971, the judge of probate of said county shall thereafter serve as ex-officio chairman of the board; and he shall be entitled to vote on any matter properly coming before the board only in case of a tie vote.

Section 2. The judge of probate as chairman of the board of revenue shall have and exercise all powers and authority vested under the general law in the presiding officers of county governing bodies and in addition shall have and exercise all of the powers and authority conferred on the chairman of the board of revenue of Colbert County by Act No. 131, H. 333, Regular Session 1949 (Acts 1949, p. 157), subject to the limitations of Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which act transferred certain responsibilities for the Colbert County road and bridge system to the state highway department.

Section 3. The salary of each member of the board of revenue of Colbert County shall be decreased to an amount of two hundred fifty dollars (\$250) per month, upon the expiration of the term or terms of office of the member or members whose term or terms first expire.

Section 4. The substantive provisions of this act shall become operative and effective only as to those provisions which shall have been approved by a majority of the qualified electors of Colbert County who vote thereon at a referendum election called for such purpose and at which two propositions shall be submitted. The disapproval of either proposition shall render such proposition inoperative and of no effect but shall not affect the operation and effect of the proposition approved. If both propositions are approved the entire act shall become operative and effective. If both propositions are disapproved this act shall be inoperative and void. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the first election day in the county next following final passage and approval of this act. Notice of the election shall be given by the judge of probate of Colbert County, which notice shall be published once a week for three successive weeks

before the day of the election. On the ballots to be used at the election, the propositions to be voted on shall be stated substantially as follows:

“Proposition No. 1. Do you favor the local law abolishing the office of the chairman of the board of revenue of Colbert County, transferring his authority and duties to the judge of probate of Colbert County? Yes..... or No.....”

“Proposition No. 2. Do you favor the local law decreasing the salary of each member of the board of revenue of Colbert County to an amount of two hundred fifty dollars (\$250) per month to become effective at the expiration of the term or terms of office of the member or members whose term or terms first expire? Yes..... or No.....”

If a majority of the votes cast in the election are “Yes” as to either or both propositions this act shall become effective immediately as to the proposition or propositions approved. If a majority of the votes cast in the election are “No” as to either or both propositions, this act shall be inoperative and void as to the proposition or propositions not approved. The probate judge of Colbert County shall certify the result of the election to the Secretary of State within 30 days after the returns are canvassed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act becomes effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:50 P.M.

Act No. 843

H. 1120—Drake, Starnes, McDonald

AN ACT

To alter, or rearrange the boundary lines of the Town of Holly Pond, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Holly Pond, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Holly Pond, Alabama, and in addition thereto the following described territory, to wit:

TRACT I.

The Southwest Quarter of the Southwest Quarter; the Southeast Quarter of the Southwest Quarter; the Southwest Quarter of the Southeast Quarter; of Section 10.

TRACT II

The Northwest Quarter and the East Half of the Southeast Quarter of Section 11.

TRACT III

The West half of the Southwest Quarter of Section 12.

TRACT IV

The Northwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 13.

TRACT V

The Northeast Quarter of the Northeast Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of Section 14.

TRACT VI

The Southeast Quarter; the West Half of the Northeast Quarter; the North Half of the Northwest Quarter of Section 15.

All in Township 10, South, Range 1 West of Huntsville Meridian in Cullman County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:51 P.M.

Act No. 844

H. 1122—Drake

AN ACT

Relating to counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census;

to provide supplementary compensation for the secretary of the judge of the intermediate court in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 42,000 nor more than 46,000, according to the most recent federal decennial census, the secretary of the judge of the intermediate court shall be entitled to a supplementary salary of two hundred dollars (\$200) per month, payable from the general funds of the county. This compensation shall be in addition to any other allowance or salary prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month following its enactment.

Approved September 12, 1969.

Time: 5:52 P.M.

Act No. 845

H. 1123—Drake, Starnes, McDonald

AN ACT

To amend Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act levying sales and use taxes in Cullman County and providing for the ascertainment, collection, payments, distribution and use of the proceeds so as to provide further for the use of the proceeds of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 66, H. 105, Second Special Session 1963 (Acts 1963, p. 228), an act relating to the Cullman County sales and use tax law, is amended to read as follows:

“Section 7. The state department of revenue shall charge Cullman County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenues and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed ten per cent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Cullman County for that month. The Commissioner of Revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of Revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify

to the state comptroller the amount of taxes collected under the provisions of this act and paid by him in to the state treasury for the benefit of Cullman County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Cullman County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public school funds of Cullman County, in his official capacity, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public school funds for Cullman County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other public school funds of the county and shall maintain separate records of such special account. The county board of education shall require an additional bond of the custodian of public school funds, in an amount to be prescribed by the board of education and payable to the board and conditioned as prescribed by law. Such additional bond shall be filed and recorded in the office of the judge of probate of the county. The premiums on such bond shall be paid from any school funds derived hereunder. The net proceeds derived from the taxes levied by this Act shall be distributed as follows: The custodian of public school funds shall pay annually to the governing body of Cullman County and to the City of Cullman each the sum of \$12,500 which shall be payable at the rate of \$1,000 per month for eleven months and \$1,500 for the twelfth month. Funds payable to the county governing body shall be paid into the county general fund and funds payable to the City of Cullman shall be paid to the city treasurer. Such funds shall be kept separate and apart from other funds and shall be used exclusively for the purpose of promoting industrial development or for recreational purposes. Exclusive of the \$25,000 heretofore allocated to the county governing body of Cullman County and the City of Cullman to be used for the purpose of promoting industrial development or for recreational purposes, the remaining proceeds shall be divided equally between the board of education of Cullman County and the City of Cullman payable on a monthly basis. The board of education's share of the proceeds shall be used exclusively for educational purposes, including transportation, capital outlay, maintenance and upkeep of buildings and current expenses other than teachers' salaries. The city's share of the proceeds other than that specifically allocated by this Act for the promotion of industrial development and for recreational purposes shall be used for general municipal purposes."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:33 P.M.

Act No. 846 H. 1135—Holman, Jackson (T), Ellis, Sessions,
Yeilding, Watkins, Gloor, Weeks,
Cook (Jefferson), Dill, Crane,
Bowers, Cherner, Adwell, Waggoner,
Meeks, Gafford

AN ACT

To amend subparagraph (b) of Section 4 of Act No. 672 H. 923 of the regular session of 1967 (General Acts 1967, Page 1496), which was an Act to authorize any county having a population of 500,000 or more, according to the last or any subsequent federal census to adopt a building code or ordinance designed to prevent fire and to protect the people of the county from the loss of property and the loss of life consequent to fires, which building code or ordinance shall apply only in the unincorporated area of the county; so as to authorize the adoption of such code or ordinance without regard to whether a majority of the qualified electors residing in the area wherein the code shall apply are in favor of the adoption of the code and without regard as to whether the adoption of the proposed code would result in substantial savings in respect to fire insurance rates.

Be It Enacted by the Legislature of Alabama:

Section 1. Subparagraph (b) of Section 4 of said Act No. 672 H. 923 of the regular session of 1967 (General Acts 1967, Page 1496) is hereby amended to read as follows:

(b) Neither a building code nor any ordinance shall be adopted under this Act unless there has been published in a daily newspaper of general circulation in the county at least fifteen (15) days prior to such adoption a notice of the time and place at which such proposed code or ordinance will be considered by the governing body and until after such public hearing has been had as advertised.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:54 P.M.

Act No. 847 H. 1137—Sessions, Holman, Ellis, House,
Cherner, Yeilding, Waggoner,

Meeks, Gloor, Kilgore, Adwell,
Cook (Jefferson)

AN ACT

TO FURTHER AMEND ACT NUMBER 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951 (GENERAL ACTS OF ALABAMA 1951, PAGE 1579, ET SEQ.) ENTITLED: "AN ACT TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN; TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS OF SUCH SYSTEM", SO AS TO MAKE THE PROVISIONS OF SUCH SYSTEM APPLICABLE ON AND AFTER SEPTEMBER 1, 1969 TO CLASSIFIED SERVICE EMPLOYEES OF THE CIVIL DEFENSE AGENCY WHOSE TERRITORIAL JURISDICTION OR RESPONSIBILITIES INCLUDE THE TERRITORY OF ANY SUCH CITY, AND ALSO APPLICABLE TO CERTAIN EMPLOYEES OF A CIVIC CENTER AUTHORITY.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Title of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama, 1951, page 1579, et seq.), be and said Title is hereby amended to read as follows:

"AN ACT TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN; TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS OF SUCH SYSTEM; TO MAKE THE PROVISIONS OF SUCH SYSTEM APPLICABLE ON AND AFTER SEPTEMBER 1, 1969 TO CLASSIFIED SERVICE EMPLOYEES OF THE CIVIL DEFENSE AGENCY WHOSE TERRITORIAL JURISDICTION OR RESPONSIBILITIES IN-

CLUDE THE TERRITORY OF ANY SUCH CITY, AND TO PROVIDE MEMBERSHIP IN THE SYSTEM FOR CERTAIN EMPLOYEES OF A CIVIC CENTER AUTHORITY IN ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED."

Section 2. That Section 26 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.), be and said section is hereby amended to read as follows:

"Section 26. (a) *Board of Health Employees.* For the purpose of application of the terms of the system, and for such purpose only, and except as may be hereinafter otherwise or differently provided in this and the next succeeding section, the Board of Health shall be deemed constructively a subsidiary board or department of the City during said Health Board's past, present and future existence, and employees thereof shall be deemed constructively employees of the City during all their time in the service of said Board of Health, whether past, present or future, and the retrospective and prospective terms of the system shall be retrospectively and prospectively applied to such constructive employees as fully and restrictively, and with like effect as though said Board of Health were actually such subsidiary board or department at all times past, present and future, and as though employees thereof were actually employees of the City at all times while in the service of said Board of Health, past, present or future. For the purpose of application of the terms of the system, such constructive employees of the City shall be deemed as in the classified service of the City during such period or periods, whether past, present or future, as they may be or may have been subject to the same civil service system as that to which employees of the City may be or may have been contemporaneously subject, and shall be governed accordingly by the retrospective and prospective provisions of the system, including specifically Sections 5, 7 and 8 of the system. Provided that any such constructive employee who may or may have become an employee member after date of establishment by virtue of Section 5 of the system shall be entitled to count as creditable time his prior service time as well as his paid membership time. In case of existence in the same county of two cities having a population of two hundred and fifty thousand or more inhabitants, that one which first entered such population class shall be deemed the city referred to in this and the next succeeding section.

(b) *Employee members entering the employ of Civic Center Authority.* This subsection (b) shall apply only if there is in

the City a civic center authority provided for by Act No. 547 of the Regular Session of the Legislature of Alabama of 1965 (Alabama Acts 1965, page 797). As herein used, the term "Civic Center" means such Authority.

This subsection (b) is adopted because the Legislature recognizes the following: (1) that the facilities and operations of Civic Center will be similar to and related to some of the facilities and operations of the City; (2) that it may be in the public interest for employee members especially qualified by training and experience to transfer from the employ of the City to the employ of Civic Center; and (5) it is desirable to provide for the preservation of the pension rights of the employee members entering the employ of Civic Center.

For the purpose of the application of the terms of the system to the extent herein provided, and for that purpose only, and except as may be otherwise or differently provided herein, the employment by Civic Center of employee members shall be deemed constructively employment by the City during all of their time in the service of Civic Center after the adoption of this subsection (b), with like effect as though said employee members, while working for Civic Center, were actually working as employees of the City, subject to this pension system; provided, however, that this subsection (b) shall not apply unless all of the conditions hereinbelow specified are met.

This subsection (b) shall not apply to any employee member unless within thirty (30) days after he leaves the service of the City he is employed by Civic Center on a salary payable at regular specified intervals; any person employed by Civic Center on a part time basis before he leaves, or when he leaves, the service of the City, shall be within the scope of the next foregoing sentence, if he continues in the employ of Civic Center.

This subsection (b) shall not apply unless the employee member leaves in the system fund the contributions made by him to the fund.

This subsection (b) shall not apply unless, within the time below stated, Civic Center gives written notice to the Board of Managers that Civic Center elects for this said subsection (b) of this Section 26 of this Act to apply to the employment of said employee member by Civic Center. This subsection (b) shall not apply unless the Board of Managers receives such notice within forty-five (45) days of the employee member's leaving the service of the City; provided, however, that the said Board may in its discretion accept and treat as binding such notice received after that time, if the Board finds that delay in forwarding the notice was justified.

After giving any such notice, it shall be the duty of Civic Center to make or cause to be made and paid into the pension fund deductions from the salary of its employee who is the subject of such notice, and to do so in all respects as is provided by the system for the City to make deductions and pay into the fund from salaries of its employees who are employee members, and it shall be the further duty of Civic Center to make matching contributions to the fund from its own funds in respect to any employee who is the subject of any such notice, in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of Civic Center to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the system.

After the Board of Managers receives the said certificate from Civic Center, the election made by Civic Center for this subsection (b) to apply to the employee member named in the certificate shall be irrevocable.

(c) *Civil Defense Employees.* For the purpose of application of the terms of the system, and for such purpose only, and except as may be hereinafter otherwise or differently provided in this and the next succeeding section, on and after September 1, 1969 the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of the City shall be deemed constructively a subsidiary board or department of the City during said Civil Defense Agency's subsequent existence, and employees thereof in the classified service shall be deemed constructively employees of the City during all their time in the service of said Civil Defense Agency subsequent to September 1, 1969, and thereafter the terms of the system shall be prospectively applied to such constructive employees as fully and restrictively, and with like effect, as though said Civil Defense Agency were actually such subsidiary board or department and as though employees thereof in the classified service were actually employees of the City at all times while in the service of said Civil Defense Agency subsequent to September 1, 1969. In case of existence in the same county of two cities having a population of two hundred and fifty thousand or more inhabitants, that one which first entered such population class shall be deemed the City referred to in this and the next succeeding section."

Section 3. That Section 27 of Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.), be and said section is hereby amended to read as follows:

"Section 27. (a) After July 1, 1945, it shall be the duty of the Board of Health, as an independent agency and not as

a subsidiary board or department of the City, to make or cause to be made and paid into the fund deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the system for the City to make deductions and pay into the fund from salaries of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to make matching contributions to the fund from its own funds in respect of its employees who are employee members, in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to fully cooperate with the Board of Managers, the city comptroller and the custodian in the administration of the system, and, thereinabout, to make available to them all such records and information pertaining to employees of the Board of Health as they or either of them may request for the purpose of administration of the system.

(b) After September 1, 1969 it shall be the duty of said Civil Defense Agency, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the fund deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the system for the City to make deductions and pay into the fund from salaries of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency, as such independent agency, to make matching contributions to the fund from its own funds in respect of its employees who are employee members in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency, as such independent agency, to fully cooperate with the board of managers, the city comptroller and the custodian in the administration of the system, and, thereinabout, to make available to them all such records and information pertaining to employees of Civil Defense as they or either of them may request for the purpose of administration of the system."

Section 4. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:55 P.M.

To amend Act No. 27, H. 102 of the 1964 Special Session (Acts 1964, Special Session, p. 47) which creates and establishes the Lauderdale County Court, in order to enlarge the civil jurisdiction of the court and to provide for increasing the compensation of the judge thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 4 and 8 of Act No. 27, H. 102 of the 1964 Special Session (Acts Special Session 1964, p. 47), which creates and establishes the Lauderdale County Court, are hereby amended to read as follows:

"Section 4. The court established by this Act shall have civil jurisdiction in cases at law in which the matter in controversy does not exceed one thousand dollars (\$1,000), exclusive of interest, attorney's fees, and costs, said jurisdiction to be concurrent with the jurisdiction of any other court in the county having jurisdiction in such cases.

"Section 8. The judge of the Lauderdale County Court shall receive a salary which shall be fixed by the county governing body of Lauderdale County, but in no event shall such salary be more than \$10,800 per annum nor less than \$10,200 per annum, payable in equal monthly installments out of the general fund of Lauderdale County, Alabama, upon warrant of the Probate Judge of Lauderdale County. The Probate Judge is hereby authorized and directed to issue such warrants monthly."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:56 P.M.

Act No. 849

H. 1162—Manley, Pruitt

AN ACT

Relating to law enforcement in Marengo County; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars, which shall be collected by the sheriff and deposited in the county treasury for the general fund.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:57 P.M.

Act No. 850

H. 1164—Tuck

AN ACT

To fix the compensation and allowance of election officers in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. Election officers in Pickens County who are appointed and serve under provisions of Chapter 1, Title 17, Code of Alabama 1940, as amended, shall receive compensation and allowances as follows: the returning officer and the inspectors and clerks shall each be entitled to ten dollars (\$10), and the returning officer shall receive in addition thereto five cents a mile in going to the courthouse and returning to the place of holding the election; the several claims shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:58 P.M.

Act No. 851

H. 1165—Tuck

AN ACT

To provide for the compensation of the deputy sheriffs of Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, Alabama, the chief deputy sheriff shall be paid an annual salary of not more than \$6,000.00, and every other deputy sheriff whose salary is payable from the county treasury according to the law shall be entitled to an annual salary of not more than \$5,400.00. The exact amount of each of such salary shall be fixed by the county governing body and shall be paid in equal monthly installments from the county treasury.

Section 2. Act No. 284, H. 657, Regular Session 1947 (Local Acts 1947, p. 217), an act relating to payment of the compensation of a deputy sheriff of Pickens County, as amended,

and all other laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 5:59 P.M.

Act No. 852

H. 1166—Tuck

AN ACT

To provide for compensation of jurors in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. Regular jurors, grand and petit, serving in Pickens County are entitled to ten dollars for each day's services, five cents for each mile traveled in going to and returning from court, and ferriage and toll. However, only one such travel allowance shall be paid a grand juror for attending any one session of the grand jury and only one such travel allowance shall be paid a petit juror for attending court pursuant to one summons. His service and travel expenses shall be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate which states therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:00 P.M.

Act No. 853

H. 1167—Fite

AN ACT

To regulate the compensation of jurors in counties having populations of not less than 20,100 nor more than 21,850.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 20,100 nor more than 21,850 according to the most recent federal decennial census, regular jurors, grand and petit, shall each be entitled to ten dollars (\$10) for each day's service, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:01 P.M.

Act No. 854

H. 1284—Melton

AN ACT

To amend Sections 1 and 2 of Act No. 486, H. 765, approved July 9, 1943, an act creating the Cahaba Historical Commission, so as to increase the membership of the board of trustees; to provide for the manner of their appointment; and to grant additional authority to the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 486, H. 765, approved July 9, 1943, an act establishing the Cahaba Historical Commission (Gen. Acts 1943, p. 449), as amended is further amended to read as follows:

"Section 1. There shall be established a board of trustees, to be known as the Cahaba Historical Commission, for the purpose of acquiring, maintaining, and protecting certain properties and objects of historical interest at the first permanent seat of government of the State of Alabama, at Cahaba, in Dallas County. The board shall be composed of sixteen members, fifteen of whom shall be appointed by the Governor. The pro-

bate judge of Dallas County shall be the sixteenth board member but shall be a member ex officio and shall not be entitled to a vote on the board. The trustees shall serve for terms of four years each and the probate judge shall serve throughout his term of office. The incumbent trustees shall serve until their terms expire, and until their successors are appointed and qualified. Five additional trustees shall be appointed within 30 days from the date of this enactment, two for terms that expire two years after that date, and three whose terms shall expire four years after their appointment. The additional trustees so appointed shall be residents of any congressional district of this state which is not represented on the board of trustees on the date this act becomes effective, or if each congressional district is represented on the board at such time, then the additional members shall be appointed from the fourth congressional district in such manner that not more than five appointed members of the board shall be residents of Dallas County. At the expiration of the respective terms of the members, their successors shall be so appointed that each congressional district shall be represented by one appointed member on the board, except that the fourth congressional district shall be represented by eight appointed members, five of whom shall be residents of Dallas County and three of whom shall be from some other county in the fourth congressional district. The board shall select one of its members who is a resident of Dallas County as secretary of the board. The office of the Selma and Dallas County Chamber of Commerce shall be designated as the official office of the commission and all records, reports and files of the commission shall be maintained therein. Trustees shall serve without compensation other than payment of a per diem allowance and actual reasonable travel expenses incurred in attending meetings of the board or in performing any actual service under the direction of the board. Such expenses shall be payable out of the appropriations made for the commission, upon warrant of the comptroller, after the account for such expense has been approved by the board and by the Governor."

Section 2. Section 2 of said act is hereby amended to read as follows:

"Section 2. Said board of trustees within its discretion, may acquire title, possession or control of such properties and also of objects of historic interest at Cahaba as it may deem necessary or proper to be maintained, preserved and protected on behalf of the State of Alabama and may acquire by purchase, construction, lease, gift, condemnation or otherwise, lands; rights in land, including leaseholds and easements and water rights in the rivers and lands adjacent to or in the immediate vicinity of Cahaba. The board's power of eminent domain may

be exercised under Title 19, Code of Alabama 1940, and any amendments thereto, or pursuant to any other general statutory provision hereafter enacted for the exercise of the power of eminent domain; to mark in suitable manner the places or locations of historic interest at such point; and to prepare and publish for distribution pamphlets or other printed matter with respect thereto. The expenses incurred for such purposes by the board of trustees shall be paid out of any appropriation made to the commission, upon warrant drawn by the comptroller, supported by an itemized account thereof approved by the board of trustees and by the Governor."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:02 P.M.

Act No. 855

H. 1168—Fite

AN ACT

To regulate the compensation of jurors in counties having populations of not less than 14,500 nor more than 14,900.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,500 nor more than 14,900, according to the most recent federal decennial census, regular jurors, grand and petit, shall each be entitled to ten dollars (\$10) for each day's service, five cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues, and payable out of the county treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:03 P.M.

Act No. 856

H. 1173—Perloff, Marr, Wood, Downing,
Grayson, Collins (W)

AN ACT

Relating to counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census; to regulate the payment of wages of all policemen employed by any city in such counties and of all deputy sheriffs in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and only in counties having populations of not less than 300,000 nor more than 500,000, according to the most recent federal decennial census.

Section 2. In all counties coming within the purview of this Act, all policemen employed by any city in the county and all deputy sheriffs in such counties shall be entitled to one and one-half ($1\frac{1}{2}$) times their hourly wage for each hour worked in excess of forty (40) hours a week in any one week.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid such declaration shall not effect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:04 P.M.

Act No. 857

H. 1179—Dobbs

AN ACT

To fix the compensation of jury commissions in all counties having populations of not less than 51,000 nor more than 56,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the jury commission in all counties having populations of not less than 51,000 nor more than 56,000 inhabitants, according to the 1960 or any subsequent federal decennial census, shall be paid the sum of twenty dollars per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county. The compensation of each member of the jury commission shall not,

however, exceed the sum of twelve hundred dollars for any one year.

Section 2. Act No. 227, H. 333 of the Regular Session of 1961 (Acts 1961, p. 250), which fixes the compensation of the jury commission in counties having populations of not less than 51,000 nor more than 56,000 according to the most recent federal decennial census, is hereby specifically repealed; and all other laws or parts of laws which conflict with this Act are also repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:05 P.M.

Act No. 858

H. 1180—Bassett, Hardin

AN ACT

To regulate the compensation of members of the county board of education in counties having populations of not less than 25,800 nor more than 26,700 according to the 1960 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of any county having a population of not less than 25,800 nor more than 26,700, according to the 1960 or any subsequent federal decennial census, shall each receive from the public school funds of the county, as compensation for their services, twenty dollars (\$20.00) per day and an expense allowance of twenty dollars (\$20.00) per day for each day in which they are actually attending meetings and transacting business of the board. Provided, however, the members of the county board shall not be allowed pay for more than twenty-four days in any one year.

Section 2. The compensation and expense allowance provided for by this Act shall be in lieu of any other compensation and expenses provided by law for members of county boards of education in counties in which this Act applies.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:06 P.M.

Act No. 859

H. 1181—Brassell

AN ACT

Relating to Russell County; providing for distribution of a portion of the county's share of the state gasoline excise tax to the incorporated municipalities in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or other like governing body of Russell County is hereby authorized and directed to appropriate and set aside ten percent of the county's share of the state gasoline excise tax provided for by Act No. 224, H. 220, First Special Session 1967, to be distributed to the several incorporated municipalities in the county on the basis of the ratio of the population of each municipality to the total population of all municipalities in the county according to the most recent federal decennial census.

Section 2. The funds required to be appropriated and set aside by the provisions of this act shall be appropriated for the fiscal year commencing October 1, 1969, and each fiscal year thereafter; and shall be paid to the respective municipalities monthly as soon as practicable after the county receives its portion of the state gasoline tax. All moneys received by municipalities under this act shall be used and expended exclusively for the construction, improvement and maintenance of highways and streets, for traffic control, and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues may be pledged.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:07 P.M.

Act No. 860

H. 1186—Bank, Culver, Robertson, Brown

AN ACT

To authorize the governing bodies of all counties having populations of not less than 100,000 nor more than 115,000, according to the most

recent federal decennial census, and the governing bodies of the municipalities within such counties to create a county park and recreation authority, to appropriate funds to such authority, and to abolish any existing park and recreation boards upon the establishment of an authority pursuant to this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing bodies of all counties having populations of not less than 100,000 nor more than 115,000 according to the most recent federal decennial census, and the governing bodies of all municipalities in each of such counties are hereby authorized jointly with such county to create a county park and recreation authority to serve the county and the cities therein.

Section 2. Such authority shall be governed by a board consisting of eight respected lay citizens of the county carefully selected for their knowledge and interest in parks and recreation and for their community leadership. Such members shall be appointed as follows:

(a) The governing body of the largest city in the county shall appoint one member for a one year term, one member for a two year term, and one member for a three year term; and shall thereafter appoint successors to such members for terms of three years.

(b) The governing body of the other city within such county, or if there are more than two municipalities in such county, then the governing bodies of all such cities and towns jointly, shall appoint one member for a term of three years and shall thereafter appoint his successor to terms of three years.

(c) The governing body of the county shall appoint one member for a term of one year and one member for a term of three years, and shall thereafter appoint successors to such members for terms of three years.

(d) The city board of education of any city in such county having a city board of education, or if there is more than one city in any such county having an independent city school system, then all such city boards of education within any such county acting jointly shall appoint one member for a term of two years and shall thereafter appoint the successors to such member for terms of three years.

(e) The county board of education shall appoint one member for a term of one year and shall thereafter appoint the successors to such member for terms of three years.

The Board shall elect annually from among its own number a chairman who shall vote only in the event of a tie. The board

shall adopt rules and regulations covering its policies and procedures, and the use of lands, buildings and facilities under its jurisdiction. No member of the board shall receive any compensation for services rendered as a member of such board. It shall be unlawful for any member of such board to have contractual relations with such board involving the sale or lease of land, personal property, facilities or the performance of services.

Section 3. The board shall appoint a director of parks and recreation and prescribe his duties, qualifications, authority and compensation. The director shall employ any personnel the board deems necessary to carry out the purposes of this Act and the director shall prescribe their qualifications, duties, authority and compensation.

Section 4. The board shall direct, supervise, and promote such recreation programs as will contribute to the general welfare of the residents of any such county. It shall have control over all lands, buildings, equipment and other facilities purchased or leased by it, or assigned to it for recreational purposes by the county, by any city within the county or otherwise acquired by it.

Section 5. The board is hereby authorized to:

(a) Enter into contracts with and cooperate fully with other local agencies, state agencies and federal agencies for the purpose of maintaining and improving the recreational services and facilities of the county.

(b) Acquire lands, buildings, and facilities for recreational purposes through purchase, lease, gift or sale;

(c) Accept grants or loans from the federal government, state government, foundations, and other agencies when such grants or loans are available;

(d) Borrow money for recreational purposes and issue revenue bonds under such terms as may be practicable.

Section 6. Any county park and recreation board, any municipal park and recreation boards, heretofore created within any county to which this Act applies are hereby abolished upon the creation of a county park and recreation authority under this Act, and all buildings, land, facilities and personal property hereby controlled by such boards and authorities are hereby placed under the control, and shall be maintained by the county park and recreational authority created under this Act; provided, however, that the title to any real property used or controlled by such authority shall be retained by its present owners if so desired.

Section 7. The governing bodies of any counties to which this Act applies and of any municipalities therein shall each appropriate to the authority authorized herein any funds it deems advisable to carry out the purposes of this Act.

Anticipated revenue of the authority shall be included in the annual budget and all revenue accrued by the authority shall be retained by the authority.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:08 P.M.

Act No. 861

H. 1187—Culver, Bank, Robertson, Brown

AN ACT

To alter, rearrange, and extend the Corporate Limits line of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Tuscaloosa, Tuscaloosa County, Alabama, be altered, rearranged, and extended so as to include within the Corporate Limits of said City the following additional territory:

As the point of beginning, begin at the most southern corner of Lot 37 of the University Lane Addition No. 1, a plat of which is recorded in Plat Book 6 at Page 96 in the office of the Probate Judge of Tuscaloosa County, Alabama, which point is on the present City Limits Line; thence northwestwardly along the southwest boundary of the said Lot 37, to the most western corner of the said Lot 37; thence northeastwardly along the northwest boundary of the said Lot 37 to a point, which point is the extension southeastwardly of the southwest boundary of Lot 2 and 3 of the said University Lane Addition No. 1; thence northwestwardly along the extension southeastwardly of the southwest boundary of the said Lot 2 and Lot 3 and along the southwest boundary of the said Lot 2 and Lot 3 and along the southwest boundary of Lot 4 of University Lane Subdivision, a

plat of which is recorded in Plat Book 6 at Page 64 in the office of the Probate Judge of Tuscaloosa County, Alabama, to the most western corner of the said Lot 4, which point is on the south or southeast right-of-way line of University Lane; thence northeastwardly along the south or southeast right-of-way line of University Lane to a point, which point is the extension southeastwardly of the northeast boundary of Lot 1 of the J. R. Pugh Subdivision, a plat of which is recorded in Plat Book 4 at Page 13 in the office of the Probate Judge of Tuscaloosa County, Alabama; thence northwestwardly along the extension southeastwardly of the northeast boundary of the said Lot 1 and along the northeast boundary of the said Lot 1 to the most northern corner of the said Lot 1; thence southwestwardly along the northwest boundary of the said Lot 1 to a point, which point is on the north or northeast right-of-way line of the Greensboro Road (U.S. Highway No. 82); thence northwestwardly along the north or northeast right-of-way line of the Greensboro Road (U.S. Highway No. 82) for a distance of one hundred eight and fifty hundredths (108.50) feet, more or less, to a point; thence North twenty-nine degrees and thirty minutes East (N29 degrees 30'E) for a distance of six hundred sixty and thirty hundredths (660.30) feet, more or less, to a point; thence northwestwardly with a deflection angle of ninety-three degrees and forty-three minutes (93 degrees 43') to the left for a distance of one hundred ninety-one and thirty hundredths (191.30) feet, more or less, to a point; thence northeastwardly with a deflection angle of eighty-six degrees and fifty minutes (86 degrees 50') to the right, for a distance of one hundred (100.00) feet to a point; thence southeastwardly, with a deflection angle of ninety-three degrees and fifteen minutes (93 degrees 15') to the right, for a distance of two hundred two and forty hundredths (202.40) feet to a point; thence North twenty-nine degrees and thirty minutes East (N29 degree 30'E) for a distance of one hundred twenty (120.00) feet, more or less, to a point; thence North sixty-seven degrees and forty minutes West (N67 degree 40'W) for a distance of two hundred fourteen (214.00) feet, more or less, to a point; thence North twenty-nine degrees and thirty minutes East (N29 degrees 30'E) for a distance of one hundred twenty-five (125.00) feet, more or less, to a point; thence South sixty-seven degrees and forty minutes East (S67 degrees 40'E) for a distance of two hundred fourteen (214.00) feet, more or less, to a point, thence North thirty-six degrees and fifty minutes East (N36 degrees 50'E) for a distance of four hundred eighty-nine (489.00) feet, more or less, to a point; thence North eighty-nine degrees and zero minutes East (N89 degrees 00'E) for a distance of three hundred five (305.00) feet, more or less, to a point, which point is on the northwest boundary of Lot 7 of the said J. R. Pugh Subdivision; thence northeastwardly

along the northwest boundary of Lots 7 through 10 of the said J. R. Pugh Subdivision to the most northern corner of the said Lot 10, which is also the southwest corner of Lot 3 of the Newton Subdivision No. 2, a plat of which is recorded in Plat Book 9 at Page 106 in the office of the Probate Judge of Tuscaloosa County, Alabama; thence southeastwardly along the southwest boundary of Lot 3 of the said Newton Subdivision No. 2 to the southeast corner of Lot 3 of the said Newton Subdivision No. 2, which point is also the most western corner of Lot 1 of the said Newton Subdivision No. 2; thence northeastwardly along the northwest boundary of Lot 1 and Lot 2 of the said Newton Subdivision No. 2 to the most northern corner of Lot 2 of the said Newton Subdivision No. 2; thence southeastwardly along the northeast boundary of Lot 2 of the said Newton Subdivision No. 2 and its extension southeastwardly to a point, which point is on the south or southeast right-of-way line of University Lane; thence southwestwardly along the south or southeast right-of-way line of University Lane to a point, which point is the most northern corner of Lot 19 of the said University Lane Subdivision; thence southeastwardly along the northeast boundary of the said Lot 19 to the most eastern corner of the said Lot 19; thence southwardly and southwestwardly along the east and southeast boundary of the said University Lane Addition No. 1 to the most southern corner of Lot 37 of the said University Lane Addition No. 1 and the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:09 P.M.

Act No. 862

H. 1189—McDonald, Drake

AN ACT

To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. If at any time any corporation organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the 1951 Regular Session (Acts 1951, p. 416)

in any county having a population of not less than 47,000 nor more than 49,000 according to the most recent federal decennial census, does not have any bonds outstanding (regardless of whether it has ever issued any bonds) may be dissolved in the following manner. The board of directors may adopt a resolution, which shall be duly entered on its minutes, declaring that such corporation shall be dissolved; and upon the filing for record of a certified copy of such resolution in the office of the judge of probate of the county wherein the certificate of incorporation of such corporation was filed, such corporation shall stand dissolved, whereupon title to any property and assets then owned by such corporation shall (except as otherwise provided in Section 7 of said Act No. 175 of the Regular Session of 1951) vest in the municipality which authorized the incorporation of such corporation.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act is cumulative and shall be construed in pari materia with said Act No. 175 of the Regular Session of 1951 and all other laws amendatory thereof or supplementary thereto. Nevertheless all laws or parts of laws in direct conflict herewith are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:10 P.M.

Act No. 863

H. 1190—Owens (W)

AN ACT

To provide for an advisory referendum relative to the election of the superintendent of education of Bibb County; and to provide for the appointment or election of the county superintendent of education of such county in the manner favored at such referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. At the first special constitutional amendment election held in Bibb County after the adjournment of this session of the legislature, there shall be submitted to the qualified voters of Bibb County, at a referendum election held for the purpose, the question of whether the county superintendent of education shall continue to be elected by vote of the people or shall be appointed by the county board of education as provided in the

general law. The court of county commissioners, board of revenue, or other like county governing body shall call the election and provide for holding the same. The question to be submitted shall be stated on the ballots used at the election substantially as follows: "Do you favor continued election of the county superintendent of education by the voters of Bibb County?"

Section 2. The referendum election provided for in Section 1 shall be called, held and conducted as nearly as may be in the manner prescribed in Article 4 of Chapter 10, Title 52, Code 1940 providing for elections on levying county school taxes, but no petition of electors or request of the county board of education shall be required to initiate the proceedings. When the results of the election have been canvassed, the probate judge of the county shall certify the same to the secretary of state.

Section 3. If a majority of those voting at said referendum vote for the continued election of the county superintendent of education, then the remainder of this act shall have no force or effect. The office of county superintendent of education shall not be affected by this act; and the county superintendent of education shall continue to be elected in the manner prescribed by law and such office shall continue to be governed in all matters by the laws applicable thereto when this act becomes law.

Section 4. If a majority of those voting at said referendum vote against continued election of the county superintendent of education, then after the expiration of the term of office of the incumbent superintendent his successors shall be appointed by the county board of education as prescribed by Code of Alabama 1940, Title 32, Section 102, and thereafter the county superintendent of education of Bibb County appointed by the county board of education shall be the chief executive officer of the county school system and shall be charged with the same duties and shall exercise the same powers and authority as are now or as may hereafter be prescribed by the general laws of this State for county superintendents of education. His compensation shall be fixed by the county board of education and he shall be paid at the time and in the manner prescribed by the general law for paying county superintendents of education. The county board of education shall determine the amount of office help necessary for the county superintendent of education, and the board shall fix the compensation and the time and manner of paying such office help. The county superintendent of education shall have authority to select such office help as may be provided by the county board of education. The expenses of the county superintendent of education shall be furnished by

the county board of education as provided in the general law and allowances for his office may be made by the county board of education as provided in the general law.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. Act No. 99, H. 235 of the Extra Session of 1933 (Local Acts 1933, Extra Session 1933, p. 31) and all acts amendatory thereof are hereby repealed. Any and all other laws or parts of laws in conflict herewith are also repealed.

Section 7. Sections 1 and 2 of this act shall become effective immediately upon the passage and approval of this act by the Governor, or its otherwise becoming law. If a majority of the qualified electors voting in such referendum vote "yes" in answer to the question submitted, then Section 3 of this act shall become effective on the date on which the result of such referendum is proclaimed; and the remainder of the act shall thereupon have no further force or effect. If a majority of the qualified electors voting in such referendum vote "no", then Section 3 of this act shall have no force or effect and the remainder of the act shall become effective on the date on which the result of the election is proclaimed.

Approved September 12, 1969.

Time: 6:11 P.M.

Act No. 864

H. 1191—Owens (W)

AN ACT

To amend further Act No. 17, H. 21, Regular Session 1957, an act levying county sales and use taxes in Bibb County (Acts 1957, v. 1, p.43), so as to make further provisions respecting the rates of such taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act No. 17, H. 21, Regular Session 1957, an act levying sales and use taxes in Bibb County, Alabama (Acts 1957, v. 1, p. 43), as amended, are amended further so as to read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Bibb County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including The Board of Trustees of the University of Alabama, The Ala-

bama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing, within Bibb County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in the business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

“(b) Upon every person, firm or corporation engaged or continuing, within Bibb County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within Bibb County, an amount equal to one per cent (1%) of the gross receipts of any such business;

“(c) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one-half of one per cent

($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

“(d) Upon every person, firm, or corporation engaged or continuing, within Bibb County, in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer; provided, that where any used automotive vehicle, used truck trailer, or used semi-trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

“provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.

“Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise is hereby imposed on

“(a) The storage, use or other consumption in Bibb County of tangible personal property purchased at retail, on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one per cent (1%) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Bibb County or in this State, except as provided in subsections (b) and (c) of this section;

“(b) The storage, use or other consumption in Bibb County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such machine, parts, attachments, or replacements; and

“(c) the storage, use or other consumption in Bibb County of any automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one-half of one per cent ($\frac{1}{2}$ of 1%) of the sales price of such

automotive vehicle, truck trailer, or semi-trailer; provided, that where any used automotive vehicle or used truck trailer or used semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Bibb County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this act, to the purchaser of any property to be used, stored or consumed in Bibb County shall be sufficient to relieve the purchaser from further liability for a tax such receipt may refer."

Section 2. This Act shall become effective the first day of the first month beginning after this Act becomes law.

Approved September 12, 1969.

Time: 6:12 P.M.

Act No. 865

H. 1192—Owens (W)

AN ACT

To provide for reimbursing the chairman or other presiding officer and the members of the county governing bodies of all counties having populations of not less than 14,300 nor more than 14,800 according to the most recent federal decennial census for certain expenses incurred in travel outside their respective county.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties in this state having populations of not less than 14,300 nor more than 14,800 according to the most recent federal decennial census, the chairman or other presiding officer of the county governing body and each member thereof shall be entitled to be reimbursed for the actual amount of any reasonable expenses incurred when traveling outside the county in connection with his official duties or in attending meetings of associations of county commissioners or like associations of county officials charged with duties similar to the

duties of such county governing body. This expense allowance shall be in addition to any and all other compensation or allowances prescribed by law for the chairman or other presiding officer and the members of such governing body.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:13 P.M.

Act No. 866

H. 1194—Owens (W)

AN ACT

To change the method of compensating the sheriff of Bibb County, placing such officer on a salary basis; to provide that the fees, commissions, percentages and allowances provided the sheriff under the general law be paid into the county treasury; to provide for appointment and fix the compensation of a chief deputy, deputies, secretary and jailors, and to provide for the payment of expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Bibb county shall be compensated on a salary basis. His salary shall be fixed by the court of county commissioners, board of revenue or other like governing body at an amount not less than \$8,000.00 nor more than \$12,000.00 per annum to be paid in equal monthly installments from the general funds of the county.

Section 2. The fees, commissions, percentages and allowances provided sheriffs under the general law shall be collected by the sheriff of Bibb County and be by him paid into the general fund of Bibb County.

Section 3. The sheriff of Bibb County shall with the approval of the county governing body, appoint a chief deputy whose salary shall be fixed by the governing body at not less than \$425.00 nor more than \$600.00 per month.

Section 4. The sheriff shall, with the approval of the county governing body appoint two deputies whose salary shall be fixed by the governing body at not less than \$350.00 nor more than \$500.00 per month each.

Section 5. The sheriff shall, with the approval of the county governing body appoint a secretary whose salary shall be fixed by the governing body at not less than \$150.00 nor more than \$300.00 per month.

Section 6. The sheriff shall, with the approval of the county governing body, appoint two jailers, whose salary shall be fixed by the governing body at not less than \$150.00 nor more than \$400.00 each per month.

Section 7. The county governing body shall provide the sheriff with two automobiles of his choice for the official use of the sheriff and his deputies and shall pay the purchase price and the cost of operation and maintenance of such automobiles out of the general funds of the county.

Section 8. The county governing body shall pay, from the general funds of the county, all costs necessary to the purchase and maintenance of all equipment required by the sheriff for law enforcement purposes, and shall pay all expenses incurred by the sheriff and his deputies in the performance of their duties.

Section 9. The county governing body shall maintain the county jail, under the supervision of the sheriff, and shall receive all fees, commissions, percentages and allowances payable for providing lock-up and detention facilities for municipalities or state or federal agencies.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. The operation of this Act is conditional upon the approval of a constitutional amendment authorizing the legislature to enact local laws regulating fixing or altering the fees and compensation of the sheriff of Bibb County. If such constitutional amendment is approved by the qualified electors of the State of Alabama who vote thereon at the election when the proposed constitutional amendment is submitted, this Act shall take effect on the first of the month next following the date of the election.

Approved September 12, 1969.

Time: 6:14 P.M.

Act No. 867

H. 1195—Owens (W)

AN ACT

Regulating the compensation of registrars of Bibb County, and providing for payment of additional compensation by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County, each member of the board of registrars shall receive \$10 per day to be paid by the state, and \$5 per day to be paid by the county, to be disbursed on order

of the judge of probate for each day's attendance of the registrar upon the sessions of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:15 P.M.

Act No. 868

H. 1196—Owens (W)

AN ACT

To amend Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County so as to provide further for the compensation of such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 258, H. 607, Regular Session 1953 (Acts 1953, p. 325) which fixes the compensation of the jury commission of Bibb County, is amended to read as follows:

"Section 1. Each member of the jury commission shall be paid the sum of fifteen dollars per day for the time actually engaged in the discharge of his duties as a member, to be paid out of the county treasury upon the warrant drawn by the probate judge of the county. Such warrants shall be issued by the probate judge upon evidence satisfactory to him that such service has been rendered; but the compensation of no member of the commission shall exceed for any one year of his term three hundred dollars."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:16 P.M.

Act No. 869

H. 1197—Owens (W)

AN ACT

Relating to Bibb County; providing additional expense allowances for members of the board of education in such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of Bibb County shall each be entitled to expenses in the amount of \$7.50 per month. Such allowance shall be in addition to all other allowances provided by law and shall be payable from the public school funds of the county at the end of each month.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:17 P.M.

Act No. 870

H. 1198—Owens (W)

AN ACT

Relating to Bibb County; authorizing the county board of education to fix expense allowance for the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Bibb County shall receive an annual expense allowance to be fixed by the county board of education, which allowance shall not exceed \$3,000 per annum. It shall be paid in equal monthly installments out of the public school funds of the county. Such expense allowance shall be in lieu of any other allowance heretofore provided the county superintendent of education for expenses. The county board of education shall fix the amount of the allowance authorized in this Act by resolution duly entered upon the minutes of the board.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:18 P.M.

Act No. 871

H. 1200—Pearson

AN ACT

Relating to law enforcement in Autauga County; to amend Act No. 61, H. 2, of the Special Session, 1967 (Acts, 1967, p. 96), an Act which

fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees, so as to provide further for the disposition and use of such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 61, H. 2, of the Special Session 1967 (Acts 1967, p. 96) is hereby amended to read as follows:

"Section 1. In Autauga County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars, which shall be collected by the sheriff and deposited in any bank located in Autauga County into a fund known and designated as the sheriff's fund. Such fund shall be drawn upon by the sheriff and used exclusively for purposes of law enforcement and in the discharge of the sheriff's office as he sees fit. The sheriff shall, however, report monthly to the county governing body on the state of such fund. Such report shall be filed on or before the tenth day of each month; and shall show the amount of money on deposit in such fund on the first day of the preceding month, the total collections from the issuance of pistol permits during the preceding month and shall contain an itemized account of the expenditures made from such fund during such month, along with a notation of the purpose for which such expenditures were made. Any fees for pistol permits heretofore collected and deposited in the special fund in the county treasury designated sheriff's fund, shall immediately after this Act becomes law, be transferred to the sheriff's fund established in a bank in Autauga County as hereinabove provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:19 P.M.

Act No. 872

H. 1201—Pearson

AN ACT

Relating to Autauga County; regulating further the compensation of the jury commission and the clerk thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In Autauga County each member of the jury commission shall be paid a sum to be fixed by the county governing body at not more than twenty dollars per diem for

the time actually engaged in the discharge of his duties as such member; but the combined compensation of all members shall not exceed \$720 in any year, except as hereinafter provided. Whenever due to unusual circumstances the jury commission is required to perform some special service or their usual services require time in excess of the normal or usual time devoted to such duties, the county governing body may, in its discretion, authorize the payment of additional compensation or an expense allowance for such additional services; but the total amount so paid to all members combined shall not exceed \$300.

Section 2. The jury commission of Autauga County may employ a clerk. The compensation of such clerk for the performance of his duties shall be a salary of fifty dollars per month. Such clerk's compensation shall be paid out of the county treasury upon the order of the president of the jury commission.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:20 P.M.

Act No. 873

H. 1203—Meade, Beck

AN ACT

To apply only in counties having populations of not less than 16,200 nor more than 17,200 inhabitants, authorizing the county board of education to fix expense allowances for members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 16,200 nor more than 17,200 inhabitants, according to the most recent federal decennial census, the members of the county board of education shall receive an allowance from the public school funds of the county of twenty-five dollars (\$25) a day for expenses each day they are engaged in the business of the board, not to exceed the number of days per year prescribed by law; and in the discretion of the board, each member may also receive actual expenses when traveling outside the county in transacting the business of the board.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:21 P.M.

Act No. 874

H. 1207—Melton, Garrett

AN ACT

Relating to Conecuh County; providing for the payment of a monthly expense allowance to the members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of education of Conecuh County shall receive an expense allowance of \$75.00 per month, in lieu of all compensation heretofore paid to said members. Said expense allowance shall be the entire compensation received by any member of the board of education for his services, and shall be paid out of the public education funds of the county.

Section 2. All laws or parts of laws which conflict with this act are repealed. Act No. 379, S. 579, Regular Session 1949 (Acts 1949, p. 556) is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:22 P.M.

Act No. 875

H. 1208—Drake

AN ACT

To alter, or rearrange the boundary lines of the Town of Hanceville, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Hanceville, Cullman County, Alabama, be and the same are hereby

altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Hanceville, Alabama, and in addition thereto the following described territory, to wit:

TRACT I

A parcel of land located in the East Half of Section 19, Township 11 South, Range 2 West described as follows: Beginning at the SE Corner of said Section 19, thence West along the section line for a distance of 1470 feet to a point; thence north and parallel with east section line for a distance of 3960 feet more or less to a point on the present corporate line and being the south forty line of the NW 1/4 of the NE 1/4 of Section 19; thence easterly along present corporate line to the east section line; thence south along section line and present corporate line to the point of beginning, 120 acres more or less, and located in Cullman County, Alabama.

TRACT II

A parcel of land located in the North Half of Section 21, Township 11 South, Range 2 West, the South Half of Section 16, and the East Half of Section 20, described as follows: Beginning at a point where the Center Hill Road intersects the present Town Corporate limits and said point being 1929.2 feet south and west 680.9 feet of the NE Corner of said Section 21; thence northeasterly along center of Center Hill Road to a point on the East Section Line of said Section 16, and being North 653.3 feet of the SE Corner of said section 16; thence continuing north along section line for a distance of 766.7 feet to a point in the center of Alabama Highway #91; thence in a southwesterly direction along the center line of Alabama Highway #91 for a distance of 6905 feet to a point on the present Corporate Limits in the center of Moulton Road, said point being South 2596.3 feet and West 5620 feet West of the NE Corner of said Section 21; thence easterly along the present Corporate Limits to the point of beginning, the above described containing 203 acres, more or less, in Cullman County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:23 P.M.

To amend Section 2 of Act No. 47, H. 100 Special Session 1962 (Acts 1962, p. 63) an act entitled "To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis," so as to authorize an additional full time clerk for the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 47, H. 100, Special Session 1962 (Acts 1962 p. 63) an act entitled "To change the method of compensating certain officers of Elmore County, placing such officers on a salary basis, and providing for the operation of their offices on such basis," is amended to read as follows:

Section 2. The Court of county commissioners, board of revenue, or other like governing body of Elmore County, shall provide compensation for clerks, assistants and secretaries for the offices enumerated in this Act in such number as may be necessary for the efficient conduct of their offices; provided, the judge of probate shall be allowed three full time clerks, the sheriff shall be allowed a jailer and the same number of deputies and other assistants as are now provided by law who shall receive the compensation and allowances as may be prescribed by law, the clerk of the circuit court shall not be allowed more than three full time clerks, the tax assessor shall be allowed two full time clerks, the tax collector shall not be allowed more than one full time clerk, and the register of the circuit court shall not be allowed any full time clerks. Each officer shall appoint his own deputies, clerks, secretaries and assistants, and shall fix their compensation subject to the approval of the board of revenue, county commissioners, or other like county governing body as to number and rate of pay except as herein otherwise provided. The Sheriff shall also be allowed to appoint one full time clerk whose compensation shall be fixed by the county governing body."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:24 P.M.

Act No. 877

H. 1221—Owens (W)

AN ACT

Relating to all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to provide an additional expense allowance for the members of the county board of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education of each county in the state having a population of not less than 19,500 and not more than 20,000 inhabitants, according to the last or any subsequent federal decennial census, shall be allowed and paid the sum of \$17.50 per meeting, to cover the expenses incurred by them in and about the performance of their duties as such officers. This allowance shall be in addition to any salary of per diem allowance now allowed to them by law, and shall be paid to them monthly out of the public school funds of such county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:25 P.M.

Act No. 878

H. 1224—Fite

AN ACT

To make an appropriation from the Marion County treasury for the relief of Ray Irvin.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Board of Revenue is hereby authorized, empowered, and directed to appropriate the sum of \$546.25 for the relief of Ray Irvin to compensate him for damages sustained by him in defending a suit against him as a result of a collision which occurred on or about May 17, 1965, while carrying out his duties as the driver of a gravel truck owned by Marion County Board of Revenue, which accident occurred on the Happy Hollow Church Road in Marion County, under such circumstances that said county is morally and justly obligated to pay damages, but the said Ray Irvin has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:26 P.M.

Act No. 879

H. 1225—Fite

AN ACT

To make an appropriation from the Marion County treasury for the relief of B. N. Wade.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Board of Revenue is hereby authorized, empowered, and directed to appropriate the sum of \$134.10 for the relief of B. N. Wade to compensate him for personal property damage sustained in an accident involving a truck owned by Marion County, which said accident occurred on or about October 23, 1968, in the Town of Hamilton, Alabama, under such circumstances that said county is morally and justly obligated to pay damages, but the said B. N. Wade has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:27 P.M.

Act No. 880

H. 1226—Fite

AN ACT

To make an appropriation from the Marion County treasury for the relief of Theron Holliman.

Be It Enacted by the Legislature of Alabama:

Section 1. The Marion County Board of Revenue is hereby authorized, empowered, and directed to appropriate the sum of \$433.94 for the relief of Theron Holliman to compensate him for personal property damage sustained in an accident involving a street sweeper owned by Marion County, which said accident occurred on or about September 10, 1968, in the City of Winfield, Alabama, under such circumstances that said county is morally and justly obligated to pay damages, but the said Theron Holliman has no recourse at law to recover the same.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:28 P.M.

Act No. 881

H. 1230—Lybrand, Merrill, Burgess

AN ACT

To amend Act No. 420, S. 387 of the Regular Session of 1939 (Local Acts, 1939, p. 252), which creates and establishes the County Commission of Calhoun County, amending Section 3 of said Act in order to redivide the county into districts for the purpose of electing the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 420, S. 387 of the Regular Session of 1939 (Local Acts 1939, p. 252), which creates and establishes the County Commission of Calhoun County, is hereby amended to read as follows:

"Section 3. For the purpose of this act said county of Calhoun is hereby divided into two districts, numbered one, to be known as the Northern District of Calhoun County, and numbered two, to be known as the Southern District of Calhoun County. District Number One shall embrace the following precincts of Calhoun County as now constituted, viz: 1, 2, 6, 7, 8, 9, 10, 11, 14, 16, 18, 19, 22 and 24. District Number Two shall embrace the following precincts of said County as now constituted, viz: 3, 4, 5, 12, 13, 15, 17, 20, 21 and 23."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:29 P.M.

Act No. 882

H. 1231—Cook (Coffee)

AN ACT

Relating to Coffee County; to provide further for the payment of expense allowances to members of the governing body of the county; to authorize such members to use county-owned motor vehicles when traveling on county business and to give this Act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the county governing body of Coffee County shall be entitled to be reimbursed for the actual amount of any reasonable expenses incurred when traveling in privately owned motor vehicles outside the county in furtherance of county business.

Section 2. Members of such governing body are hereby authorized to use county-owned vehicles when traveling within or outside the county in furtherance of county business. They shall be reimbursed for all reasonable and necessary expenses when using such vehicles.

Section 3. The expenses of travel provided for in this Act shall be in lieu of any other expense allowance heretofore authorized by law and shall be paid from any funds in the county treasury not otherwise appropriated, in such manner as the board may direct.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. This Act is retroactive to October 1, 1968.

Approved September 12, 1969.

Time: 6:30 P.M.

Act No. 883

H. 1232—Dobbs

AN ACT

Relating to counties having populations of not less than 51,000 nor more than 56,000; to provide clerk hire allowances for the judge of probate and for the sheriffs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue or other like governing body in any county having a population of not less than 51,000 nor more than 56,000, according to the most recent federal decennial census shall provide the probate judge of the county a clerk hire allowance of \$5,100 per year payable out of the general funds of the county, and shall provide the sheriff a clerk hire allowance of \$1200 per year payable out of the general fund. The clerk hire allowances herein provided shall be in addition to any such allowances heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective October 1, 1969.

Approved September 12, 1969.

Time: 6:31 P.M.

Act No. 884

H. 1241—Grainger, Pennington, McLain,
Jones, Laxson

AN ACT

Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census, the governing body is hereby authorized to provide adequate parking for petit jurors, grand jurors, witnesses and employees of the state and county having offices in the county courthouse. The county governing body may furnish such parking through the acquisition and operation of parking lots, by contracting with any private or public agency for said purpose, under such terms as it may deem necessary and desirable, or by reimbursing those persons covered by this Act for their personal expenses in securing parking.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:32 P.M.

Act No. 885

H. 1242—Laxson, Jones, McLain, Pennington,
Grainger

AN ACT

Relating to counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, the judge of the county court shall have the power and authority to appoint a bailiff to serve such court. Each bailiff so appointed shall receive a salary of sixty-two hundred dollars (\$6,200) per annum payable in equal monthly installments out of the treasury of the county upon

warrant of the president or chairman of the board of revenue or other like governing body of the county. Each bailiff so appointed shall hold office at the will and pleasure of the judge so appointing him.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective on the first day of the month following its enactment.

Approved September 12, 1969.

Time: 6:33 P.M.

Act No. 886

H. 1243—Jones, Laxson, Grainger,
Pennington, McLain

AN ACT

Relating to counties having a population of not less than 110,000 nor more than 160,000, prohibiting the pollution, discoloration, contamination, clogging or diversion of public streams, and providing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 110,000 nor more than 160,000, according to the most recent federal decennial census, it shall be unlawful for any person, firm, corporation or association to discharge, dispose or negligently to allow the deposit in the public streams of such county, of any wastes composed of raw sewage, industrial wastes or other wastes including any soil, sand, clay, chalk, kaolin, muck, slush or other residue resulting from any excavations or preparations for roads, bridges, industrial, recreational or other building sites, or mining operations, (not limited to but including hydraulic mining operations), soil testing, reclamation projects or other operations of any nature whatsoever in such manner as to pollute, discolor, contaminate, clog or divert the public streams in said county; unless said waste is first treated or processed in accordance with standards promulgated by the Alabama Water Improvement Commission.

Section 2. Any person, firm, corporation or association violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than six months. Each day such violation continues shall constitute a separate offense.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:34 P.M.

Act No. 887

H. 1254—Neville

AN ACT

To regulate further the probate court and probate office of Barbour County; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of a probate office and probate records in each division and for the holding of probate court in each division; and to define the jurisdiction of each division of the court.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the governing body of Barbour County to provide at the expense of said county an office at Eufaula, Alabama, for the probate judge of said county, and to provide therefor the necessary stationery, record books, dockets and other equipment for such office similar to those now kept in the office of the said probate judge at Clayton in said county.

Section 2. Said office at Eufaula shall be kept open by the probate judge, and the books, dockets, records and papers pertaining thereto shall be kept in said office. The judge of probate shall keep a clerk, in his absence, in charge of said office and the books, records, and papers therein. The clerk shall have power and authority, for and in the name of such judge of probate, to perform all ministerial acts in connection with the office and business thereof and the said judge of probate shall be liable on his official bond for the acts of the clerk. The judge of probate may require such clerk to execute a bond, with surety or sureties, in the same sum and payable and conditioned as required by law for the official bonds of judges of probate in this state, which bond shall be kept in the office of the county treasurer for Barbour County. Any person injured by any wrongful act of omission of such clerk may in his own name, sue on said bond, or on the judge of probate's bond; and if such suit should be brought on the bond of the

judge of probate, the bond of such clerk shall be deemed and held as bond of indemnity for the judge of probate so proceeded against.

Section 3. For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the South Boundary of said county at a point three miles West of the range line between Range 27 and Range 28, from thence running North in a straight line three miles West of and parallel to said range line to the intersection of said parallel line with the township line between Township 11 and Township 12, thence West along said township line to the intersection of said township line with the range line between Range 26 and Range 27, thence North along said range line three miles to the corner where Sections 13 and 24, Township 12, Range 26, and Sections 18 and 19, Township 12, Range 27 meet in a point; thence West along the Section lines three miles to the Southeast corner of Bullock County. The portion of said county lying North and East of said lines shall be known as the Eufaula Division, and the portion of said county lying South and West of said line shall be known as the Clayton Division.

Section 4. The judge of probate shall hold probate court at Eufaula for the Eufaula Division and at Clayton for the Clayton Division. All jurisdiction and powers of said probate court, and the judge of probate, shall be exercised in each division, and in each division shall be exclusive of their jurisdiction and powers exercised in the other division.

Section 5. The jurisdiction, powers and duties of the probate court, and the judge of probate, shall be in all respect the same in both divisions of the court. All powers and duties imposed by law upon the governing body of Barbour County and upon sheriffs and other officers of Barbour County in respect of the probate courts and probate offices in this state, shall apply to the governing body, sheriff and other offices of Barbour County in respect to each division of the probate court and probate office. Mileage allowed to the sheriff shall be computed from the Courthouse from which process is issued.

Section 6. In all cases and proceedings affecting lands in Barbour County lying partly within the Eufaula Division and partly within the Clayton Division, the proceedings may be had in said court in either division; and by written consent of the parties filed in said court, causes or proceedings may be transferred from one division of the court to the other; and juries shall be chosen from the division in which the court is held.

Section 7. In all respects in which the commencement or adjournment of the probate courts of this state affect the time

prescribed by law for the issue or return of process, signing of bills of exceptions, the running of any statute of limitations, or where a time has by law any relation to such courts, or the commencement or the adjournment of their terms, such law shall apply separately to each division of the probate court; and whenever the law requires a sale to be made or any other act to be done at the courthouse, such sale or act shall be had or done at the courthouse within the respective division.

Section 8. The judge of probate shall record all orders, instruments, claims, and other proceedings pertaining to the probate court in one general series of books in the Eufaula Division and one general series of books in the Clayton Division, called "Probate Court Record." The series shall be numbered consecutively beginning with number 1, except that the number of the books in the Clayton Division shall be preceded by the letter "C" and the number on the books in the Eufaula Division shall be preceded by the letter "E".

Section 9. The judge of probate shall keep a direct index to the probate court records, which must contain the names of all persons named in the papers recorded in said records, with a reference to the reason each person was named. The direct index shall embrace, at least the following features, and should be so ruled: Name of Person; Status of Person; Name of Estate, Proceeding or Case; Probate Court Record Number; Page Number; Steel File Number.

Section 10. For the additional duties required of the probate judge in indexing, he shall be entitled to an additional fee of \$.25 for each name indexed.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. The substantive provisions of this Act shall become effective January 1, 1970; however, this Act shall for the purpose of authorizing the judge of probate to obtain books, records and supplies needed to effectuate the Act, become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved September 12, 1969.

Time: 6:35 P.M.

To amend Act No. 106, H. B. 618, approved February 12, 1879 (Acts 1878-79, p. 106), entitled, "An Act to regulate the holding of the circuit courts of Barbour County," so as to redefine the line dividing the county for the purpose of prescribing the jurisdiction of the court held at Clayton and the court held at Eufaula; and to prescribe the method of computing Sheriff's mileage.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 6, 7, 8, 10 and 11 of Act No. 106, H. B. 618, approved February 12, 1879 (Acts 1878-79, p. 106) entitled, "An Act To regulate the holding of the circuit courts of Barbour County," are hereby amended to read as follows:

"Section 6. BE IT FURTHER ENACTED, That whenever, from any cause, a civil or criminal cause pending in said court at Clayton shall not be tried at Clayton during the first week of any term, the presiding judge may, at his discretion, set over said cause to be tried at Eufaula during the remainder of said term, whereupon the same shall be tried on the original papers, dockets and records, the same as if tried where the process was returnable, except that in no criminal case where the defendant, and in no civil case where the plaintiff or defendant shall reside in said county west of a line hereinafter described, the trial shall be held in Eufaula, without the consent of such defendants in criminal case, and such plaintiff and defendant in civil case, or their attorneys of record, made in writing or announced in open court. The line hereinabove referred to is described as follows: beginning on the south boundary of said county at a point three miles west of the range line between range 27 and range 28, from thence running north in a straight line three miles west of and parallel with said range line to the intersection of said parallel line with the township line between township 11 and township 12, thence west along said township line to the intersection of said township line with the range line between range 26 and 27, thence north along said range line 3 miles to corner where sections 13 and 24, township 12, range 26, and sections 18 and 19, township 12, range 27 meet in a point; thence west along section lines 3 miles to southeast corner Bullock County.

"Section 7. BE IT FURTHER ENACTED, That whenever a criminal or civil case shall be pending in the court to be held at Eufaula, if the defendant shall reside west of said line described in Section 6, hereof, it shall be the duty of the said judge of the said court, on the application of such defendant or his attorney, in writing, or in open court, to transfer said cause to the court held in Clayton, to be there tried on the original papers the same as if the process had been originally returnable to Clayton.

"Section 8. BE IT FURTHER ENACTED, That whenever a civil or criminal cause shall be pending in the circuit

court to be held at Clayton, if the defendant shall reside east of said line described in Section 6, hereof, it shall be the duty of the judge of said court, on the application of such defendant or his attorney, in writing, or in open court, to transfer said cause to the court held in Eufaula, to be there tried on the original papers the same as if the process had been originally returnable to Eufaula.

"Section 10. BE IT FURTHER ENACTED, That in all cases of appeal, where the defendant resides west of said line described in Section 6, hereof, the appeal shall be taken to be heard at Clayton, and in all cases where such defendant resides east of said line, the appeal shall be taken to be heard at Eufaula. And in all preliminary examinations before committing magistrate, defendants may be required to give bond, to appear and answer any criminal charge in said court, either at Eufaula or at Clayton, according to the discretion of such magistrate.

"Section 11. BE IT FURTHER ENACTED, That any person indicted or bound over to answer any criminal offence in said county, if unable to give bond for his appearance at court shall be confined in the jail at Clayton, if he be a resident of said county living west of said line described in Section 6 hereof, and if such person reside east of said line he shall be confined in the jail at Eufaula, except that such persons may be confined in the jail at either place, when in the opinion of the judge of said court the jail in the other place is not secure."

Section 2. The mileage allowed the sheriff shall be computed from the Courthouse at Eufaula or the Courthouse at Clayton, which ever is nearer, but he shall receive a minimum allowance of one dollar (\$1.00).

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:36 P.M.

Act No. 889

H. 1256—Neville

AN ACT

To establish a court of limited jurisdiction in criminal cases and civil actions at law in the eastern division of Barbour County to be known as the Eastern District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; to provide for its

officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court; to authorize the transfer of any cases pending in the Court of Common Pleas of Barbour County to the court hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. A court of limited jurisdiction in criminal cases and civil actions at law, which shall be known as the Eastern District Court of Barbour County, is hereby created and established for the eastern division of Barbour County, which said eastern division is that portion of Barbour County situated north and east of a line beginning on the south boundary of said county at a point three miles west of the range line between range 27 and range 28, from thence running north in a straight line three miles west of and parallel with said range line to the intersection of said parallel line with the township line between township 11 and township 12, thence west along said township line to the intersection of said township line with range line between range 26 and 27, thence north along said range line 3 miles to corner where sections 13 and 24, township 12, range 26, and sections 18 and 19, township 12, range 27 meet in a point; thence west along section lines 3 miles to south-east corner of Bullock County.

Section 2. The territorial jurisdiction of the court shall not extend over that portion of Barbour County known and designated as the western division of said county except in criminal cases the boundary between the eastern division and the western division shall be construed as a county line.

Section 3. Cases and actions pending in the Court of Common Pleas of Barbour County on the effective date of this act, together with all documents, papers, judgments, and orders of said court may be transferred to the court hereby created and shall proceed as though begun therein. All judgments rendered by the Court of Common Pleas of Barbour County may be enforceable by this court the same as if they had been rendered by this court and this court may have full power and control over the same and may issue executions and other process thereon the same as if the judgements and orders had been originally rendered in this court.

Section 4. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, cases and actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment, cognizable before the circuit court, or a county court, or justices of the peace or courts created in lieu of justices of the peace, and all courts of like jurisdiction. It may adopt and

enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are not contrary to the constitution and statutes of the state, and lawmade rules governing practice and procedure.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of civil actions of ejectment or actions in the nature of ejectment or any civil actions when the matter or sum in controversy exceeds five hundred dollars, nor take cognizance of any matter or proceeding in equity. The court shall not have jurisdiction of workmen's compensation cases, libel, slander, or juvenile or domestic relations cases. When the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sales contract, the amount in controversy shall, for the purpose of determining jurisdiction, be the balance of the mortgage debt or purchase price, as the case may be, or the value of the property in suit whichever may be less; and where the action is for forcible entry or unlawful detainer, the amount in controversy shall, for the purpose of determining jurisdiction, be the amount of damages claimed. The court shall have jurisdiction of proceedings for discovery of assets of judgment debtors and shall exercise such jurisdiction in the same manner that is provided by law with respect to civil judgments in circuit courts. The court shall also have such other powers and authority that are, or may hereafter be, conferred upon the circuit courts, except as otherwise provided in this act.

Section 5. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury. In the trial of cases before this court, the accused shall have no right to demand a trial by jury, but the judge shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand, and render such judgment in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense need be made other than that contained in the affidavit and warrant of arrest.

Section 6. (a) A judge of the court herein established shall be elected by the qualified electors of the eastern division of Barbour County at the general election of 1974, and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) Immediately after the effective date of this act, the Governor shall commission Hon. M. D. L. Calton as judge of the Eastern District Court of Barbour County and the said M. D. L.

Calton shall hold office until his successor is elected or appointed as provided herein.

(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the constitution. He may be removed from office for any cause enumerated in Section 173 of the constitution and in the manner provided by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Barbour County residing within the territorial jurisdiction of the court. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

(d) The judge shall receive an annual salary in the amount of \$4,800 payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid.

(e) The judge shall have authority to: (1) administer oaths and take acknowledgments; (2) issue search warrants; (3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon circuit judges, judges of county courts, and justices of the peace, including that of magistrates on preliminary examinations. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts.

(f) Upon the conviction of any defendant in misdemeanor cases in said court, the court shall have the right to suspend the sentence and remit fines and/or costs whenever in the discretion of said court the same may be advisable.

(g) In the absence of the regular judge, the clerk of the court may, if no special judge has been appointed, accept a defendant's written, sworn plea of guilty and assess against such defendant such fines and costs as may be authorized by law; and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court; provided, that the clerk shall not have the right to suspend a sentence and remit fines or costs as provided in subsection 6 (f).

(h) The judge shall keep an office in the county courthouse in Eufaula, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such telephones, office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

Section 7. In the absence of, disqualification or inability of the judge of said court to act, he shall appoint in writing a special judge, who shall have full power to act for and in the place of the regular judge, said person so appointed shall at the time of his appointment be a practicing attorney residing in the jurisdiction of said court. In case the judge of said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said court, and shall not have appointed a special judge to act, it shall be the duty of the judge of the Third Judicial Circuit upon the request of the clerk of said court to appoint a special judge, and in either event, said special judge shall receive the same compensation as the regular judge of said court during the time he serves. If, however, illness, disqualification or inability to serve by the regular judge shall exceed thirty days in each calendar year, the compensation of the special judge for all time served by him in excess of thirty days shall be deducted from the salary or compensation of the regular judge of said court. If during the tenure of a judge of said court he does not use thirty days during a calendar year, the balance of the thirty days may accumulate to a total of ninety days.

Section 8. (a) The Eastern District Court of Barbour County shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at the county courthouse in Eufaula. Regular sessions for the trial of criminal cases and civil cases shall be held on the first and third Mondays of each month. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge may fix reasonable hours for the holding of court.

Section 9. (a) The circuit clerk of Barbour County shall be the ex-officio clerk of this district court. In addition to his regular fees, commissions or compensation, he shall be entitled to receive as compensation for his services as clerk of this court the same fees, commissions, percentages, allowances, and other compensation that are or may hereafter, be allowed to circuit clerks in the State of Alabama subject to the limitations of Section 16 (b) hereof. In making his settlement with the state or county, as the case may be, the clerk shall retain such fees, commissions, percentages or allowances from any monies collected as fees, fines and costs in said court. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. Before entering upon the performance of

his duties as clerk of this court, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the records, files and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority to: (1) administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including affidavits, summonses, subpoenas, writs, executions, commitments and releases making same returnable to the court hereby established; (3) to approve bonds in civil and criminal cases including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of courts.

Section 10. (a) Except as otherwise provided in this act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within fifteen days, and the process issued shall so recite. If a defendant fails to plead, answer or demur within the prescribed time after service has been perfected on him, he shall be in default and on motion of the plaintiff judgment by default may be rendered against such defendant.

(c) When venue is improper, cases may be transferred between the Eastern District Court of Barbour County and the Western District Court of Barbour County on proper motion of any party, made any time before trial has commenced.

(d) Interrogatories to adverse parties, as provided for by Article 8, Chapter 10, Title 7, Code of Alabama 1940, may be used, except that answers must be filed to such interrogatories within thirty (30) days after service of the interrogatories. If answers to the interrogatories are not filed within thirty days after service of a copy of the interrogatories, or when the answers are not full, or are evasive, the court may either attach the party and cause him to answer fully in open court, or tax him with so much costs as may be just, and continue the cause

until full answers are made, or direct a non-suit or judgment by default, to be entered, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence.

(e) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27 of Title 7, Code of Alabama 1940, except that the garnishee shall appear and file his answer within fifteen days after the service on him or process of garnishment and the process shall so recite.

(f) The discovery of assets of judgment debtors as provided by Article 2, Chapter 21, Title 7, Code of Alabama 1940 may be had in this court as in circuit courts.

Section 11. Execution may be issued on the judgment of this court and the revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments of the circuit court, provided that the scire facias to revive any judgment in said court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided further that an execution from said court need not have thereon an itemized statement of the bill of costs. The judgment of this court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the circuit court, and the liens thereof shall attach and execution be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to circuit court judgments.

Section 12. (a) No prosecutions shall be commenced in such court except upon sworn complaint made to either the judge, or the clerk of the court, or the district attorney or the county solicitor who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty or upon sworn complaint made as prescribed by Code of Alabama 1940, Title 13, Section 327. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) In case of emergency the judge of said court may appoint suitable persons to act as constable without bond, except

as hereinafter provided; and the persons so appointed must perform the same duties and are liable to the same pains and penalties, and are entitled to the same fee and compensation as regular constables; but such special constables are not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collection of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law, with sureties to be approved by the judge appointing such special constables.

(c) The judge shall appoint a bailiff when he deems one necessary and the bailiff shall be compensated at the same rate as a circuit court bailiff.

(d) The judge shall have the same power and right to appoint an attorney to represent indigent defendants as judges of circuit courts.

Section 13. The constables of the territorial jurisdiction of said court and the sheriff of Barbour County shall be the officers of said court and shall execute the processes from said court anywhere within Barbour County and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to process issuing from the courts of justices of the peace and inferior courts created in lieu of justices of the peace in said county. All writs of restitution or eviction shall be served by the sheriff.

Section 14. The sheriff shall attend the sessions of the court in person or by deputy. He shall execute writs and processes of the court, and perform such other duties as he may be required to perform in the county court or the circuit court.

Section 15. The judge of the court shall have the power to punish for contempt in all cases where the judges of the circuit courts of this state may punish for contempt, by fine not exceeding fifty dollars (\$50.00) and by imprisonment not to exceed five days, or by both fine and imprisonment.

Section 16. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts.

(b) In addition to the fees for witnesses the court shall have authority to tax costs and commissions for the use of the officers of the court as follows: (1) in each civil action at law the same as the circuit court; (2) in each criminal case the

same as in the county courts, including fees as provided by Section 89, paragraph 2, Title 11 of the Code of Alabama 1940.

(c) A trial tax of one dollar (\$1.00) shall be collected in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00); in every other civil action at law, and in every criminal case, a trial tax of two dollars (\$2.00) shall be collected. These trial taxes shall be paid into the county treasury to the credit of the Judiciary Fund.

(d) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Barbour County, Alabama, one-half (50%) of all other fines and forfeitures collected in this court are to be paid into the general fund of Barbour County, Alabama.

Section 17. The judge of this court shall make any and all necessary rules for the conduct of the court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the court and generally with respect to the duties of the various officers of the court and generally with respect to the duties of the various officers of the court in their relation to the court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing the rules of the court.

Section 18. The said court shall have the power to set aside, vacate or modify its judgments upon motion made in writing within five days after the rendition of same, which said motion must be promptly determined.

Section 19. Any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the circuit court. If the judgment appealed from is for the payment of money or for recovering of personal property and the party appealing desires to have the judgment superseded he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the circuit court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Section 20. Appeals from judgments of said court to the circuit court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and

upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justice of the peace courts.

Section 21. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided: (1) If the case is a civil case, the appeal or certiorari lies to the circuit court of Barbour County and shall be governed by Article 6 of Chapter 8, Title 13, of the 1940 Code, where the trial shall be de novo with trial by jury where demanded by either party as provided by Code of Alabama 1940, Title 7, Section 264. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed one hundred dollars (\$100.00) the issues shall be made up as provided by Code, 1940, Title 13, Section 486; otherwise the pleadings and trial shall be according to the regular rules of pleading and practice in the circuit court. (2) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the Code of Alabama 1940, but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant as prescribed by Code of Alabama 1940, Title 13, Section 326.

Section 22. It shall be the duty of the clerk to issue an execution in all judgments rendered in said court after five days from the entry thereof and place the same in the hands of the sheriff or other officer of the court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom the process issued out of which said execution can be satisfied in whole or in part.

Section 23. If it shall appear to the clerk that in any case where an execution has been returned unsatisfied as to the costs of said cause and in the opinion of the clerk said costs can be collected by an alias execution, the clerk may issue such alias execution and may direct the sheriff or constable as to what property can be levied upon to satisfy said judgment, and the clerk may issue in such cases such other and further execution as he may deem necessary to enforce payment of costs against any party liable to execution for costs whether plaintiff or defendant.

Section 24. When in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment and attempting to collect the same.

Section 25. The judge of said court is hereby authorized and empowered to perform marriage ceremonies and collect and retain as a part of the prerequisites of his office the fees which are now or may be allowed by law.

Section 26. In addition to the power and jurisdiction herein conferred upon said court it shall have and is hereby given the authority and jurisdiction to sentence to perform hard labor for the County of Barbour for the payment of fine and costs in the same manner and to the same extent as the circuit courts of this state have authority and jurisdiction to do.

Section 27. The judge of this court shall be furnished by the secretary of state, free of charge, a complete set of the Code of Alabama, together with the current pocket supplements thereto; and such Code shall be kept up to date.

Section 28. If the defendant fails to appear as required by his bond said court shall enter a forfeiture against him and his sureties, and said court shall have the authority to issue and shall cause to issue scire facias to the bondsmen which shall be returnable in not less than twenty days from the issuance date, and upon final hearing said court shall have the authority to pass upon the forfeiture and to make same final, or to take such other action as the circuit court of said county may be authorized to taken in case of appearance bonds in said circuit court. Said judge shall issue and alias warrant for the arrest of the defendant.

Section 29. The judge of said court has the power and authority to require the sheriff of this county, or one of his deputies to attend upon the sessions of said court; and shall have all the power and authority inherent in the judge of a court of law and conferred by general statutes of the state in reference to bonds, commitments and recognizances.

Section 30. If the defendant fails to appear as required by his bond and a forfeiture is taken, said forfeiture shall conform as near as practicable to the form of circuit court of this state.

Section 31. If it appears to the court that any prosecution in said court is frivolous or malicious the court shall after hearing the facts render summary judgment and tax the prosecutor or person who made the complaint or affidavit with the costs. When the costs are imposed on the prosecutor or person who made the complaint or affidavit he may confess judgment for the same with good and sufficient sureties, and failing to do so or presently to pay the same, such person must be imprisoned in the county jail or sentenced to hard labor for Barbour County

for the payment of same for such a term as may be required to pay the same not to exceed ten days.

Section 32. The mileage allowable to the sheriff or constable for process issued from this court shall be calculated from the courthouse at Eufaula; provided, however, a minimum mileage charge of \$1.00 shall be allowed in all cases.

Section 33. Wherever the territorial jurisdiction of this court covers part but not all of a precinct, the board of registrars and probate judge of Barbour County shall maintain and keep their records in such manner as accurately to reflect the electors residing within the territorial jurisdiction of the court.

Section 34. All books, papers, and records of this court shall be kept in the county courthouse at Eufaula, Alabama, and the governing body of Barbour County shall provide suitable storage space for the same.

Section 35. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 36. All laws or parts of laws which conflict with this act are repealed.

Section 37. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:37 P.M.

Act No. 890

H. 1257—Neville

AN ACT

To abolish the Court of Common Pleas of Barbour County; to provide for the transfer of cases and causes therein pending; and to repeal Act No. 623, H. 1223 of the Regular Session of 1961 (Acts of Alabama 1961, p. 738).

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of Common Pleas of Barbour County, created by Act No. 623, H. 1223 of the Regular Session of 1961 (Acts of Alabama 1961, p. 738) is abolished.

Section 2. Every case and every cause pending in the Court of Common Pleas of Barbour County, together with the records, documents, and papers pertaining thereto, shall be transferred to the courts which have jurisdiction under the

general laws of Alabama or under local laws applicable to Barbour County of the subject matter involved in the case or cause. The circuit clerk of Barbour County, in his capacity as clerk of the Court of Common Pleas of Barbour County, immediately after this act takes effect, shall certify each case or cause, together with the records, documents, and papers pertaining thereto, to the proper court. It shall not be necessary, however, for the clerk to certify cases or causes transferred to the circuit court or any other court of which he is ex officio clerk.

Section 3. Each such case or cause shall be docketed and proceed in the court to which it is transferred; and all costs accrued in the Court of Common Pleas shall be charged and collected in the court to which the case or cause is transferred.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:38 P.M.

Act No. 891

H. 1258—Neville

AN ACT

To establish a court of limited jurisdiction in criminal cases and civil actions at law in the western division of Barbour County to be known as the Western District Court of Barbour County; to prescribe the dividing line between the eastern and western divisions of such county; to define the jurisdiction and powers of the court hereby established; to provide for procedures in such court; and to provide for its officers, their election or appointment, terms of office, powers, duties and compensation, and for costs and fees in such court.

Be It Enacted by the Legislature of Alabama:

Section 1. A court of limited jurisdiction in criminal cases and civil actions at law, which shall be known as the Western District Court of Barbour County, is hereby created and established for the western division of Barbour County, which said western division is that portion of Barbour County situated south and west of a line beginning on the south boundary of said county at a point three miles west of the range line between range 27 and range 28, from thence running north in a straight line three miles west of and parallel with said range line to the intersection of said parallel line with the township line between township 11 and township 12, thence west along said township line to the intersection of said township line with the range line between range 26 and 27, thence north along said range line 3 miles to corner where sections 13 and 24, township 12, range 26,

and sections 18 and 19, township 12, range 27 meet in a point; thence west along section lines 3 miles to southeast corner of Bullock County.

Section 2. The territorial jurisdiction of the court shall not extend over that portion of Barbour County known and designated as the eastern division of said county except in criminal cases the boundary between the eastern division and the western division shall be construed as a county line.

Section 3. (a) Except as provided in subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, cases and actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment, cognizable before the circuit court, or a county court, or justices of the peace or courts created in lieu of justices of the peace, and all courts of like jurisdiction. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are not contrary to the constitution and statutes of the state, and lawmade rules governing practice and procedure.

(b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of civil actions of ejectment or actions in the nature of ejectment or any civil actions when the matter or sum in controversy exceeds five hundred dollars, nor take cognizance of any matter or proceeding in equity. The court shall not have jurisdiction of workmen's compensation cases, libel, slander, or juvenile or domestic relations cases. When the action is in detinue in which the plaintiff seeks to recover on a chattel mortgage or a conditional sales contract, the amount in controversy shall, for the purpose of determining jurisdiction, be the balance of the mortgage debt or purchase price, as the case may be, or the value of the property in suit whichever may be less; and where the action is for forcible entry or unlawful detainer, the amount in controversy shall, for the purpose of determining jurisdiction, be the amount of damages claimed. The court shall have jurisdiction of proceedings for discovery of assets of judgment debtors and shall exercise such jurisdiction in the same manner that is provided by law with respect to civil judgments in circuit courts. The court shall also have such other powers and authority that are, or may hereafter be, conferred upon the circuit courts, except as otherwise provided in this act.

Section 4. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury. In the trial of cases before this court, the accused shall have no right to demand a trial by

jury, but the judge shall determine both the law and the facts, without the intervention of a jury, and shall award such punishment in misdemeanor cases as the character of the offense may demand, and render such judgment in other cases as in his judgment may seem right and proper, and in the trial of misdemeanor cases no statement of the offense need be made other than that contained in the affidavit and warrant of arrest.

Section 5. (a) A judge of the court herein established shall be elected by the qualified electors of the western division of Barbour County at the general election of 1974, and every six years thereafter. His term shall be for six years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) The Governor shall appoint a judge of the Western District Court of Barbour County who shall hold office until his successor is elected or appointed as provided herein.

(c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of the western division of Barbour County. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution.

(d) The judge shall receive an annual salary in the amount of \$4,800 payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid.

(e) The judge shall have authority to: (1) administer oaths and take acknowledgments; (2) issue search warrants; (3) exercise such other powers, jurisdiction or authority as may now or hereafter be conferred by law upon circuit judges, judges of county courts, and justices of the peace, including that of magistrates on preliminary examinations. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts.

(f) Upon the conviction of any defendant in misdemeanor cases in said court, the court shall have the right to suspend the sentence and remit fines and/or costs whenever in the discretion of said court the same may be advisable.

(g) In the absence of the regular judge, the clerk of the court may, if no special judge has been appointed, accept a defendant's written sworn plea of guilty and assess against such

defendant such fines and costs as may be authorized by law; and any judgment so rendered by the clerk shall have the same force and effect as a judgment rendered by the judge of the court; provided that the clerk shall not have the right to suspend a sentence and remit fines or costs as provided in subsection 5(f).

(h) The judge shall keep an office in the county courthouse in Clayton, or such other place as may be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such telephones, office supplies and stationery, stamps, furniture, fixtures and other materials as may be necessary for the transaction of the business of the court.

Section 6. In the absence of, disqualification or inability of the judge of said court to act, he shall appoint in writing a special judge, who shall have full power to act for and in the place of the regular judge, said person so appointed shall at the time of his appointment be a practicing attorney residing in the jurisdiction of said court. In case the judge of said court shall be unable to discharge the duties of his office by reason of sickness, disqualification or inability to hold said court, and shall not have appointed a special judge to act, it shall be the duty of the judge of the Third Judicial Circuit upon the request of the clerk of said court to appoint a special judge, and in either event, said special judge shall receive the same compensation as the regular judge of said court during the time he serves. If, however, illness, disqualification or inability to serve by the regular judge shall exceed thirty days in each calendar year, the compensation of the special judge for all time served by him in excess of thirty days shall be deducted from the salary or compensation of the regular judge of said court. If during the tenure of a judge of said court he does not use thirty days during a calendar year, the balance of the thirty days may accumulate to a total of ninety days.

Section 7. (a) The Western District Court of Barbour County shall be open for transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Regular sessions of the Court for the trial of civil and criminal cases shall be held at the county courthouse in Clayton on the first Wednesday of each month, and in Louisville on the second Wednesday of each month, and in Clio on the third Wednesday of each month. Suitable places for the holding of court shall be provided in Louisville and Clio by the county governing body. When request is made in writing by a defendant, the judge shall set the case for trial at Clayton, or Louisville,

or Clio, in accordance with said request. If such request is made after the defendant has made his answer and the case has once been set and witnesses have been summoned, or after the parties are present in Court on the day set for trial, the judge may, in his discretion, grant such request and may make the taxing of costs and expenses, including attorney's fees, a condition for resetting the case. When conflicting requests are made by co-defendants, the judge may set the case for trial in any of said towns for which requests were made, in his discretion.

Section 8. (a) The circuit clerk of Barbour County shall be the ex-officio clerk of this district court. In addition to his regular fees, commissions or compensation, he shall be entitled to receive as compensation for his services as clerk of this court the same fees, commissions, percentages, allowances, and other compensation that are or may hereafter, be allowed to circuit clerks in the State of Alabama subject to the limitations of Section 15(b) hereof. In making his settlement with the state or county, as the case may be, the clerk shall retain such fees, commissions, percentages or allowances from any monies collected as fees, fines and costs in said court. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. Before entering upon the performance of his duties as clerk of this court, he must give bond as required by law for clerks of county courts. He shall have the authority to maintain offices and appoint deputies for Clayton, Louisville, and Clio.

(b) It shall be the duty of the clerk to keep all the records, files and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority to: (1) administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including affidavits, summonses, subpoenas, writs, executions, commitments and releases making same returnable to the court hereby established; (3) to approve bonds in civil and criminal cases including appeal bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals and transcripts; (6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of courts.

Section 9. (a) Except as otherwise provided in this act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits, and the time within which suits may

be brought shall be governed by the statutes and rules of practice, procedure and process governing the circuit courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within fifteen days, and the process issued shall so recite. If a defendant fails to plead, answer or demur within the prescribed time after service has been perfected on him, he shall be in default and on motion of the plaintiff judgment by default may be rendered against such defendant.

(c) When venue is improper, cases may be transferred between the Eastern District Court of Barbour County and the Western District Court of Barbour County on proper motion of any party, made any time before trial has commenced.

(d) Interrogatories to adverse parties, as provided for by Article 8, Chapter 10, Title 7, Code of Alabama 1940, may be used, except that answers must be filed to such interrogatories within thirty (30) days after service of the interrogatories. If answers to the interrogatories are not filed within thirty days after service of a copy of the interrogatories, or when the answers are not full, or are evasive, the court may either attach the party and cause him to answer fully in open court, or tax him with so much costs as may be just, and continue the cause until full answers are made, or direct a non-suit or judgment by default, to be entered, or render such judgment or decree as would be appropriate if such defaulting party offered no evidence.

(e) All garnishment proceedings in the court shall be governed by the provisions of Chapter 27 of Title 7, Code of Alabama 1940, except that the garnishee shall appear and file his answer within fifteen days after the service on him of process of garnishment and the process shall so recite.

(f) The discovery of assets of judgment debtors as provided by Article 2, Chapter 21, Title 7, Code of Alabama 1940 may be had in this court as in circuit courts.

Section 10. Execution may be issued on the judgment of this court and the revivor thereof had and actions thereon maintained in the same manner and for the same length of time and in accordance with the same procedure as is or may be provided by law with respect to judgments of the circuit court, provided that the scire facias to revive any judgment in said court need not be served for any greater length of time than is provided herein with respect to service of the summons, and provided

further that an execution from said court need not have thereon an itemized statement of the bill of costs. The judgment of this court shall be subject to registration in the same manner and in accordance with the same procedure as is or may be provided by law for the registration of judgments of the circuit court, and the liens thereof shall attach and execution be issued thereon in the same manner and to the same extent and for the same length of time as is or may be provided by law with respect to circuit court judgments.

Section 11. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge, or the clerk of the court, or the district attorney or the county solicitor who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty or upon sworn complaint made as prescribed by Code of Alabama 1940, Title 13, Section 327. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) In case of emergency the judge of said court may appoint suitable persons to act as constables without bond, except as hereinafter provided; and the persons so appointed must perform the same duties and are liable to the same pains and penalties, and are entitled to the same fee and compensation as regular constables; but such special constables are not authorized to levy or collect executions, attachments or writs of detinue, unless prior to the levying or collection of executions, attachments or writs of detinue, he execute a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law, with sureties to be approved by the judge appointing such special constables.

(c) The judge shall have the same power and right to appoint an attorney to represent indigent defendants as judges of circuit courts.

Section 12. The constables of the territorial jurisdiction of said court and the sheriff of Barbour County shall be the officers of said court and shall execute the processes from said court anywhere within Barbour County and make return thereof, and shall receive the same fees as are now provided by law for similar services, with respect to process issuing from the courts of justices of the peace and inferior courts created in lieu of

justices of the peace in said county. All writs of restitution or eviction shall be served by the sheriff.

Section 13. The sheriff shall attend the sessions of the court in person or by deputy. He shall execute writs and processes of the court, and perform such other duties as he may be required to perform in the county court or the circuit court.

Section 14. The judge of the court shall have the power to punish for contempt in all cases where the judges of the circuit courts of this state may punish for contempt, by fine not exceeding fifty dollars (\$50.00) and by imprisonment not to exceed five days, or by both fine and imprisonment.

Section 15. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts.

(b) In addition to the fees for witnesses the court shall have authority to tax costs and commissions for the use of the officers of the court as follows: (1) in each civil action at law the same as the circuit court; (2) in each criminal case the same as in the county courts, including fees as provided by Section 89, paragraph 2, Title 11 of the Code of Alabama 1940.

(c) A trial tax of one dollars (\$1.00) shall be collected in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00); in every other civil action at law, and in every criminal case, a trial tax of two dollars (\$2.00) shall be collected. These trial taxes shall be paid into the county treasury to the credit of the Judiciary Fund.

(d) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Barbour County, Alabama, one-half (50%) of all other fines and forfeitures collected in this court are to be paid into the general fund of Barbour County, Alabama.

Section 16. The judge of this court shall make any and all necessary rules for the conduct of the court and the officers thereof, for the filing and trying of cases, for the distribution and service of the processes of the court and generally with respect to the duties of the various officers of the court and generally with respect to the duties of the various officers of the court in their relation to the court, the authority herein specifically granted not to be construed as limiting authority generally and usually exercised by judges in making and enforcing the rules of the court.

Section 17. The said court shall have the power to set aside, vacate or modify its judgments upon motion made in writing within five days after the rendition of same, which said motion must be promptly determined.

Section 18. Any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the circuit court. If the judgment appealed from is for the payment of money or for recovering of personal property and the party appealing desires to have the judgment superseded he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered and in such penalty as the judge may prescribe conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the circuit court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which appeal is taken. This section shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Section 19. Appeals from judgments of said court to the circuit court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justice of the peace courts.

Section 20. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided: (1) If the case is a civil case, the appeal or certiorari lies to the circuit court of Barbour County and shall be governed by Article 6 of Chapter 8, Title 13, of the 1940 Code, where the trial shall be de novo with trial by jury where demanded by either party as provided by Code of Alabama 1940, Title 7, Section 264. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed one hundred dollars (\$100.00) the issues shall be made up as provided by Code, 1940, Title 13, Section 486; otherwise the pleadings and trial shall be according to the regular rules of pleading and practice in the circuit court. (2) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the Code of Alabama 1940, but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant as prescribed by Code of Alabama 1940, Title 13, Section 326.

Section 21. It shall be the duty of the clerk to issue an execution in all judgments rendered in said court after five days from the entry thereof and place the same in the hands of the

sheriff or other officer of the court who shall return such execution within sixty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom the process issued out of which said execution can be satisfied in whole or in part.

Section 22. If it shall appear to the clerk that in any case where an execution has been returned unsatisfied as to the costs of said cause and in the opinion of the clerk said costs can be collected by an alias execution, the clerk may issue such alias execution and may direct the sheriff or constable as to what property can be levied upon to satisfy said judgment, and the clerk may issue in such cases such other and further execution as he may deem necessary to enforce payment of costs against any party liable to execution for costs whether plaintiff or defendant.

Section 23. When in any case execution against the defendant is returned "No property found" execution may issue against the plaintiff, in the name of the clerk, for all costs created by him in obtaining his judgment and attempting to collect the same.

Section 24. The judge of said court is hereby authorized and empowered to perform marriage ceremonies and collect and retain as part of the prerequisites of his office the fees which are now or may be allowed by law.

Section 25. In addition to the power and jurisdiction herein conferred upon said court it shall have and is hereby given the authority and jurisdiction to sentence to perform hard labor for the County of Barbour for the payment of fine and costs in the same manner and to the same extent as the circuit courts of this state have authority and jurisdiction to do.

Section 26. The judge of this court shall be furnished by the secretary of state, free of charge, a complete set of the Code of Alabama, together with the current pocket supplements thereto; and such Code shall be kept up to date.

Section 27. If the defendant fails to appear as required by his bond said court shall enter a forfeiture against him and his sureties, and said court shall have the authority to issue and shall cause to issue scire facias to the bondsmen which shall be returnable in not less than twenty days from the issuance date, and upon final hearing said court shall have the authority to pass upon the forfeiture and to make same final, or to take such other action as the circuit court of said county may be authorized

to take in case of appearance bonds in said circuit court. Said judge shall issue an alias warrant for the arrest of the defendant.

Section 28. The judge of said court has the power and authority to require the sheriff of this county, or one of his deputies to attend upon the sessions of said court; and shall have all the power and authority inherent in the judge of a court of law and conferred by general statutes of the state in reference to bonds, commitments and recognizances.

Section 29. If the defendant fails to appear as required by his bond and a forfeiture is taken, said forfeiture shall conform as near as practicable to the form of circuit court of this state.

Section 30. If it appears to the court that any prosecution in said court is frivolous or malicious the court shall after hearing the facts render summary judgment and tax the prosecutor or person who made the complaint or affidavit with the costs. When the costs are imposed on the prosecutor or person who made the complaint or affidavit he may confess judgment for the same with good and sufficient sureties, and failing to do so or presently to pay the same, such person must be imprisoned in the county jail or sentenced to hard labor for Barbour County for the payment of same for such a term as may be required to pay the same not to exceed ten days.

Section 31. The mileage allowable to the sheriff or constable for process issued from this court shall be calculated from the courthouse at Clayton; provided, however, a minimum mileage charge of \$1.00 shall be allowed in all cases.

Section 32. Wherever the territorial jurisdiction of this court covers part but not all of a precinct, the board of registrars and probate judge of Barbour County shall maintain and keep their records in such manner as accurately to reflect the electors residing within the territorial jurisdiction of the court.

Section 33. All books, papers, and records of this court shall be kept in the county courthouse at Clayton, Alabama, and the governing body of Barbour County shall provide suitable storage space for the same.

Section 34. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 35. All laws or parts of laws which conflict with this act are repealed.

Section 36. This act shall become effective immediately upon its passage and approval by the Governor, or upon its

otherwise becoming a law for the purpose of authorizing the appointment by the Governor or the election of a judge for the court hereinabove provided for; but the act shall not become fully operative, nor shall the court be established until a judge therefor has been appointed or elected as hereinabove provided and has qualified. Upon the qualification of a duly appointed or elected judge the court shall thereupon be established and this act shall become fully operative.

Approved September 12, 1969.

Time: 6:39 P.M.

Act No. 892

H. 1259—Neville

AN ACT

To provide for offices and clerks of the tax collector and tax assessor of Barbour County at Eufaula; to divide Barbour County into a Eufaula Division and a Clayton Division and provide for the maintenance of records of the tax assessor and tax collector in each division; and to provide for the exercise of the powers of the tax collector and tax assessor in the appropriate division.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be the duty of the governing body of Barbour County to provide at the expense of said county offices at Eufaula, Alabama, for the tax collector and tax assessor of said county, and to provide therefor the necessary stationery, record books, telephones, office furniture, fixtures, and equipment similar to those now kept in the offices of the said tax collector and tax assessor at Clayton in said county.

Section 2. Said offices at Eufaula shall be kept open by the tax collector and tax assessor, and the books, records, and papers pertaining thereto shall be kept in said office. The tax collector and tax assessor shall keep clerks, in their absence, in charge of said offices, and the books, records, and papers therein. The clerks shall have power and authority, for and in the name of such tax collector and tax assessor, to perform all ministerial acts in connection with the office and the business thereof and the said tax collector and tax assessor shall be liable on their official bonds for the acts of their respective clerks. The tax collector and tax assessor may each require their clerks to execute a bond, with surety or sureties, in the same sum and payable and conditioned as required by law for the official bonds of tax collectors and tax assessors in this state, which bond shall be kept in the office of the county treasurer for Barbour County. Any person injured by any wrongful act or

omission of such clerks may in his name, sue on the appropriate bond, or on the bond of the tax assessor or tax collector, as the case may be; and if such suit should be brought on the bond of the tax collector or the tax assessor, the bond of the appropriate clerk shall be deemed and held as bond of indemnity for the tax collector or tax assessor so proceeded against.

Section 3. For the purposes of this Act, Barbour County shall be composed of two divisions, separated by a line beginning on the South Boundary of said county at a point three miles West of the range line between Range 27 and Range 28, from thence running North in a straight line three miles West of and parallel to said range line to the intersection of said parallel line with the township line between Township 11 and Township 12, thence West along said township line to the intersection of said township line with the range line between Range 26 and Range 27, thence North along said range line three miles to the corner where Sections 13 and 24, Township 12, Range 26, and Sections 18 and 19, Township 12, Range 27 meet in a point; thence West along the Section lines three miles to the Southeast corner of Bullock County. The portion of said county lying North and East of said lines shall be known as the Eufaula Division, and the portion of said county lying South and West of said line shall be known as the Clayton Division.

Section 4. All books and papers pertaining to the Eufaula division shall be kept at the office in Eufaula, and all books and papers pertaining to the Clayton division shall be in the office at Clayton. Whenever a precinct lies partly within the Eufaula division and partly within the Clayton division, the record books, assessment sheets, plat books, and receipt books shall be divided accordingly and the proper books kept in the proper division. All powers of said tax collector and tax assessor shall be exercised in the appropriate division and all advertisements required by law to be made shall be made in each respective division.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective October 1, 1969.

Approved September 12, 1969.

Time: 6:40 P.M.

Act No. 893

H. 1260—Neville

AN ACT

To abolish the jurisdiction of justices of the peace and notaries public ex officio justices of the peace elected or appointed for any precinct in Barbour County in criminal and quasi-criminal cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Justices of the peace and notaries public ex officio justices of the peace elected or appointed for or in any precinct of Barbour County are hereby divested and deprived of jurisdiction in all criminal and quasi-criminal cases, and they shall have no power or authority hereafter to exercise any jurisdiction whatsoever in a criminal or quasi-criminal case, or to take complaints of public offenses committed within the county, or to issue warrants of arrest.

Section 2. This Act shall not apply to nor affect any case pending in any justice of the peace court on the effective date hereof.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective December 31, 1970.

Approved September 12, 1969.

Time: 6:41 P.M.

Act No. 894

H. 1261—Owen (Baldwin), Brannan

AN ACT

To provide expense allowances for the judge of the circuit court of the Twenty-Eighth Judicial Circuit of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the circuit court of the Twenty-Eighth Judicial Circuit of Alabama shall be entitled to receive an expense allowance of \$1,800 per annum, payable in equal monthly installments out of the general fund of the county. Such expense allowance shall be in addition to any and all other salary, compensation and allowance payable to such judge either by the state of Alabama or the counties composing the circuit.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the first month commencing after its passage and approval by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:42 P.M.

Act No. 895

H. 1262—Owen (Baldwin), Brannan

AN ACT

To provide for the supplemental compensation of the court reporter of the circuit court of any county having a population of not less than 48,500 nor more than 49,500, according to the last or any subsequent federal decennial census; to repeal conflicting general, local or special laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 48,500 nor more than 49,500, according to the last or any subsequent federal decennial census, the court reporter of the circuit court shall receive a supplemental compensation of one hundred dollars (\$100) per month payable from the general funds of the county. This sum shall be in addition to all other compensation or allowance prescribed by law.

Section 2. All general, local or special laws, or parts of such laws, which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:43 P.M.

Act No. 896

H. 1263—Owen, Brown

AN ACT

To change the method of compensating certain officers of Baldwin County, placing such officers on a salary basis, and providing for the operation of their offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1: The following officers of Baldwin County shall be entitled to receive annual salaries in lieu of any fees, commissions, percentages, and allowances, except as herein otherwise provided:

The Judge of Probate shall receive an annual salary of \$18,000, which shall include his compensation for all ex officio duties.

The sheriff shall receive an annual salary of \$16,000. The clerk of the Circuit Court shall receive an annual salary of \$7,200, which shall include his compensation for all ex officio duties.

The register of the Circuit Court shall receive an annual salary of \$4,800.

Section 2: The Court of County Commissioners, board of revenue, or other like governing body of Baldwin County, shall provide compensation for clerks, deputies, assistants, and secretaries for the officers enumerated in this Act in such number as may be reasonably necessary for the efficient conduct of their respective offices. Each of the officers enumerated in Section 1 of this Act shall select, discharge, and fix the salaries of his subordinates. However, the maximum allowances for clerk hire and salaries for assistants for each of such officers shall be as follows:

For the Probate Judge, the sum of \$35,000 per annum;

For the Sheriff, the sum of \$18,000 excluding salaries for deputy sheriffs.

For the clerk of the Circuit Court, the sum of \$8,000 per annum.

In addition, the sheriff shall be entitled to the allowances payable by the state for feeding the prisoners.

Section 3: The fees, commissions, percentages, allowances, charges, and court costs heretofore collectible for the use of any of the officers named in Section 1, shall be paid into the general fund of the county. The compensation of the officers named in Section 1, and of their clerks, deputies, secretaries and other assistants shall be paid in equal monthly installments from the general fund of the county.

Section 4: The court of county commissioners, board of revenue, or other like governing body of Baldwin County shall provide the officers named in this act with the books, stationery, office equipment, supplies, postage, and other conveniences necessary for the proper and efficient conduct of the affairs of their respective offices.

Section 5: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6: This Act shall supersede Act No. 357, H. 707, Regular Session 1963 (Acts 1963, p. 857), and all other laws or parts of laws in conflict herewith.

Section 7: This Act shall take effect on the expiration of the current term of office of each of the officers who are affected thereby.

Approved September 12, 1969.

Time: 6:44 P.M.

Act No. 897

H. 1264—Owen (Baldwin), Brannan

AN ACT

Relating to Baldwin County, prescribing the compensation of the Chief Deputy Sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the chief deputy sheriff of Baldwin County shall be not less than \$5400.00 and not more than \$7800.00 per annum. The exact amount of the salary of the chief deputy shall be set by the county commissioners or other like governing body of the county. Such salaries shall be paid in equal monthly installments from the general fund of the county.

Section 2. If any sentence, clause, provision or section of this Act be declared invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of portions thereof.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:45 P.M.

Act No. 898

H. 1265—Owen (Baldwin), Brannan

AN ACT

Applying only in counties having populations of not less than 48,500 nor more than 49,500, according to the most recent federal decennial census; providing for additional meetings of the governing bodies of

such counties and for additional compensation and expense allowances for the members of said body, including the chairman.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 48,500 nor more than 49,500, according to the most recent federal decennial census, the court of county commissioners, board of revenue, or other like governing body of the county shall hold regular meetings twice a month on the first and third Tuesdays of each month.

Section 2. In all counties in which this Act applies, the court of county commissioners, board of revenue, or other like governing body of the county shall provide from the county gasoline tax fund or the general fund of the county an additional expense allowance and additional compensation for each member of the court or board. Such allowances shall be in addition to any and all salary, compensation, and allowances heretofore authorized by law, and the additional amount allowed shall not exceed \$150 a month expense allowance. The amount of the allowances shall be fixed by resolution of the court or board, as the case may be, and shall be recorded in the minutes of the commission.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:46 P.M.

Act No. 899

H. 1266—Owen (Baldwin)

AN ACT

Relating to Baldwin County; authorizing the county commissioners of such county to pay the salaries of additional deputy sheriffs, designate the fund out of which said salaries shall be paid; to prescribe their method of appointment and fix their duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Baldwin County, or any like governing body of said county shall pay the salaries of six deputy sheriffs. Such deputies shall be in addition to the chief deputy sheriff.

Section 2. The governing body is hereby authorized and empowered to pay the salaries of deputy sheriffs in addition to those in Section 1.

Section 3. The deputies shall receive a salary of not less than \$4,800.00 and not more than \$6600.00 per annum, to be paid in equal monthly installments and may be paid in whole or in part from the general fund, the fine and forfeiture fund or the county public highway and traffic fund as the governing body shall direct. The salaries shall be set by the governing body at their discretion, not to exceed the maximum designated herein.

Section 4. The sheriff shall appoint the additional deputies as provided for in this Act and they shall serve at his pleasure.

Section 5. It shall be the duty of said deputies to enforce state traffic and motor vehicle laws, and while not so engaged to perform such other duties of the sheriff as the sheriff shall direct, but their essential duties shall be to enforce said state traffic and vehicle laws as aforesated.

Section 6. If any sentence, clause, provision or section of this Act be declared invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this Act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of portions thereof.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:47 P.M.

Act No. 900

H. 1267—Neville

AN ACT

Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; and providing an expense allowance for the probate judge of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census, the county governing body shall pay to the probate judge from the general fund of the county an expense allowance of twenty-four hundred dollars (\$2,400) per

annum for the operation of his office. Such allowance shall be in addition to any other allowance or compensation provided by law.

Section 2. Act No. 122, H. 359, and Act No. 87, S. 208, Regular Session 1967 (Acts 1967, p. 460), and all other laws or parts of laws which conflict with this act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:48 P.M.

Act No. 901

H. 1268—Neville

AN ACT

Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an additional deputy circuit clerk for such counties; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census, the county governing body shall authorize the circuit clerk to appoint a deputy clerk, in addition to the deputies now provided by law, whose salary shall be three thousand dollars (\$3,000) per annum and shall be paid by the county.

Section 2. Act No. 523, S. 354, Regular Session 1961 (Acts 1961, p. 623), all acts amendatory thereof, and all other laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:49 P.M.

Act No. 902

H. 1269—Neville

AN ACT

Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census;

providing an expense allowance for the tax collector of such counties; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census, the county governing body shall pay to the tax collector from the general fund of the county an expense allowance of twenty-four hundred dollars (\$2,400) per annum for the operation of his office.

Section 2. Act No. 610, H. 748, Regular Session 1967 (Acts 1967, p. 1415), and all other laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:50 P.M.

Act No. 903

H. 1270—Neville

AN ACT

Relating to counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census; providing an expense allowance for the tax assessor of such counties; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census, the county governing body shall pay to the tax assessor from the general fund of the county an expense allowance of twenty-four hundred dollars (\$2,400) per annum for the operation of his office.

Section 2. Act No. 721, H. 1017, Regular Session 1967 (Acts 1967, p. 1556), and all other laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:51 P.M.

Act No. 904

H. 1276—Neville

AN ACT

To provide for the relief of Mrs. Helen D. Denton, of Union Springs, by any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of any county having a population of not less than 24,600 nor more than 25,300, according to the most recent federal decennial census, may appropriate from any monies in either the general fund or the road and bridge fund of the county, not otherwise appropriated, the sum of five thousand dollars (\$5,000) for the relief of Mrs. Helen D. Denton of Union Springs, Bullock County. Such sum shall be provided to said Mrs. Denton as compensation for property damages and for personal injuries and medical expenses incurred as a result of collision between a motor vehicle operated by the said Mrs. Denton and a county-owned automobile, operated by a member of the county governing body, while acting in the line and scope of his duties as such member. The Legislature finds and declares that the claim of the said Mrs. Helen D. Denton is a moral and just claim against the county but the claimant has no recourse at law to recover her damages, hence this enactment.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:52 P.M.

Act No. 905

H. 1280—Cook (Coffee)

AN ACT

To create the Inferior Court of Coffee County and provide for its jurisdiction and functions, and to abolish the Juvenile Court of Coffee County, and all criminal and quasi criminal jurisdiction of Justices of the Peace in said county.

Be It Enacted by the Legislature of Alabama:

Section 1: There is hereby established the Inferior Court of Coffee County with jurisdiction coextensive with the county of criminal and civil matters as hereinafter provided.

Section 2: (a) Except as provided in subsection (b), the court shall have jurisdiction of civil actions at law in which

the matter or sum in controversy does not exceed One Thousand Dollars (\$1,000.00) and, in addition, shall have jurisdiction in all actions, causes, matters, proceedings and cases (including bastardy proceedings and actions for unlawful detainer and for the recovery of possession of land without limitation as to the value of the property involved), cognizable before a County Court, as provided in Chapter 6, Title 13, Code of Alabama, Juvenile Court and Justices of the Peace. It shall have authority to punish contempts by fine not exceeding \$50.00, or a term in the County Jail not exceeding five days, or both. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and rules of the Supreme Court governing the practice and procedure of Inferior Courts.

(b) The court shall have and exercise preliminary jurisdiction in felony cases, but shall not have jurisdiction to try persons charged with felonies or actions of ejectment or of any matter or proceeding cognizable only in equity; provided, that nothing herein shall be construed to limit or restrict the court in the exercise of the jurisdiction of the Juvenile Court.

(c) No criminal prosecution shall be commenced in such court except by warrant upon sworn complaint issued by the clerk or his deputy or a magistrate (including a Justice of the Peace), the deputy District Attorney, or public official of Coffee County authorized to issue warrants of arrest.

(d) The provisions of Chapter 7 of Title 13 of the Code of Alabama as the same may from time to time be amended, shall apply in all matters in which the court exercises the jurisdiction of the Juvenile Court.

(e) Appeals may be taken from final judgments of final orders of the court as follows: In criminal cases the appeal lies to the Circuit Court of Coffee County and shall be governed by the provisions of Section 349 of Title 13, Code of Alabama. An appeal from judgments or orders made by the court in the exercise of jurisdiction of the Juvenile Court lies to the Circuit Court of Coffee County and shall be governed by the provisions of Sections 362, 371 and 372 of Title 13, and Sections 95, 96 and 97 of Title 34, Code of Alabama. In civil cases the appeal lies to the Circuit Court of Coffee County, and shall be governed by the provisions of Article 6 of Chapter 8, Title 13, Code of Alabama. In all appeals to the Circuit Court trial shall be de novo.

(f) The Juvenile Court of Coffee County is abolished. All criminal and quasi criminal jurisdiction of Justices of the Peace

in Coffee County is abolished except jurisdiction to issue search warrants and warrants of arrest returnable to the Inferior Court of Coffee County.

(g) In any civil action pending in the Inferior Court of Coffee County, if the defendant files a plea of set off or recoupment claiming an amount in excess of \$1,000.00 or otherwise asserting a cause of action not within the jurisdiction of the court, the judge shall enter an order transferring the case to the Circuit Court of Coffee County where the same shall proceed as if originally commenced therein.

(h) The Inferior Court of Coffee County shall be a court not of record and the judge shall not be prohibited from engaging in the practice of law.

Section 3. (a) The Judge of the Inferior Court of Coffee County shall be appointed by the Court of County Commissioners, or other governing body of Coffee County, to hold office until September 30, 1970; his successors shall be appointed for terms of four years each beginning October 1, 1970 and every four years thereafter, by resolution of the Court of County Commissioners, or other governing body of Coffee County, not less than thirty nor more than sixty days prior to the expiration of the term of the incumbent judge; provided, however, that said judge shall be appointed by the Court of County Commissioners, or other governing body of Coffee County, from a list of not less than two or more than three eligibles submitted to them by the Coffee County Bar Association, if there be such, and should there not be such, by the attorneys in said county admitted to practice law before the Supreme Court of the State of Alabama, in meeting assembled at which more than one-half of said attorneys are present. No person shall be eligible to appointment as Judge of the Inferior Court of Coffee County who is not learned in the law and a qualified elector of Coffee County. The judge, shall, before entering upon the discharge of the duties of his office, take the oath prescribed by Section 279 of the Constitution of Alabama. He may be removed from office for any cause enumerated in Section 173 of the Constitution. Any vacancy occurring in the office of judge shall be filled by appointment of the Court of County Commissioners or other governing body of Coffee County, from a list of eligibles as provided hereinabove, such appointment to be for the unexpired term. Provided however, that should the Court of County Commissioners or other governing body of Coffee County fail to appoint a judge within twenty days of the expiration of a term or within twenty days of a vacancy the governor of Alabama shall make the appointment from the list of eligibles, as set out above.

Section 4: (a) The judge shall have authority to: (1) grant writs of habeas corpus, certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the judges of Circuit Courts at law; (2) administer oaths and take acknowledgements; (3) issue search warrants; (4) exercise, within the limits of the jurisdiction conferred by this Act, such other powers and authority as may now or hereafter be conferred by law upon judges of courts of like jurisdiction.

(b) The judge shall be provided, at the expense of the County, with such office supplies, stationery, stamps, and other materials as may be necessary for the transaction of the business of the court.

(c) In the event the judge is disqualified or unable to act, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the Code of Alabama.

(d) The judge shall receive an annual salary of Six Thousand Dollars, (\$6,000.00), payable out of the general fund of the county in equal monthly installments.

Section 5. (a) The court shall be open at all times for the transaction of business. Regular sessions shall be held on the first Friday in each month at the Court House in the Enterprise Division of Coffee County, and on the third Friday in each month at the Court House in the Elba Division of Coffee County, for the trial of criminal cases and civil actions at law. Special sessions may be held at such times as the judge shall designate. Sessions may continue so long as may be necessary for the court to complete its business. The judge shall be available at all times to receive guilty pleas, assess fines and enter such orders and judgments as may be appropriate.

(b) The sheriff shall attend the regular criminal sessions of the court in person or by deputy and shall attend other sessions when requested by the judge and shall receive the same compensation therefor for which he is now allowed for attending session of the Circuit Court. He shall promptly execute all writs and processes of the court and perform such duties as may be directed by the judge.

Section 6: In civil actions at law, the defendant shall be required to appear and plead, answer or demur, within twenty days from the service of process.

Section 7: All cases in the Inferior Court of Coffee County shall be tried and all issues of fact decided by the judge without the intervention of a jury.

Section 8. In civil actions at law it shall be the duty of the clerk to tax, collect and remit the same costs and fees of the sheriff and witnesses and other court costs, as now or hereafter allowed by law to be taxed and collected in such actions in the Circuit Court, except that there shall be taxed as clerk's fees the sum of \$8.00 in each case; provided however, for issuance of writs of garnishment before or after judgment the clerk's fees shall be the same as now or hereafter provided in the Circuit Court, in addition to the \$8.00 fee provided herein. In all criminal cases the same fees for the services of the clerk, sheriff, solicitor and witnesses and other court costs, as now or hereafter allowed by the law to be taxed and collected in such cases in the Circuit Court, together with a trial tax in the amount of \$4.00 for each civil action or criminal case for the use of Coffee County, and \$1.00 library fee which shall be remitted to the Court of County Commissioners or other governing body of Coffee County to be used and dispersed under the provisions of Act Number 24, Acts of Alabama, First Special Session, 1956, page 48; provided, however, that in criminal cases involving violations of the rules of the road or statutes governing the operation of vehicles on public highways or game and fish laws, the Clerk shall receive in lieu of all other fees the sum of \$3.00, plus commissions, and in such case, where the defendant pleads guilty, no solicitors fee and no trial tax other than fair trial tax shall be taxed or collected.

Section 9: (a) The fees of the Clerk and of the Sheriff, in amounts provided herein, in criminal cases, if the State fails to convict or if the State fails to pay, or where a nolle prosequi is ordered, or where the case is abated by the death of the defendant, or where execution is returned "no property found" shall be paid by the County as in Circuit Court. The Clerk shall be entitled to commissions of five percent on all money remitted to the State or the county.

(b) The Clerk shall retain his own fees and the fees of the Sheriff and witnesses and shall pay them to the parties entitled thereto as in Circuit Court. All other items of costs shall be remitted to the general fund of the county unless otherwise provided by State law or this act; provided, however, all solicitors fees collected shall be remitted to the general fund of the County.

Section 10. The County Solicitor or Deputy District Attorney shall prosecute for the State all criminal cases commenced in said court.

Section 11. The party in whose favor judgment is rendered shall have all the rights, remedies and privileges with

respect to the registration and enforcement thereof as provided by law with respect to judgments rendered by the Circuit Court.

Section 12. (a) The Clerk of the Circuit Court of Coffee County shall be ex officio clerk and each Deputy Clerk of the Circuit Court of Coffee County shall be ex officio a deputy clerk of the Inferior Court of Coffee County. The clerk shall have authority to requisition at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the court.

(b) It shall be the duty of the clerk to keep all the books, papers, files, and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority: (1) to administer oaths and take acknowledgments and affidavits; (2) to sign and issue all processes issuing out of the court, including warrants, summonses, subpoenas, writs, executions, commitments, and releases; (3) to approve bonds; (4) to enter all judgments, orders and decrees of the court; (5) to certify all appeals; (6) to issue certificates of judgment, and (7) to exercise all powers and authority which are now or may be hereafter conferred on clerks of the Circuit Courts.

(d) The Clerk shall attend all sessions of the court in person or by deputy.

Section 13. All cases and actions pending in the Juvenile Court of Coffee County on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. The Inferior Court of Coffee County shall have the same jurisdiction to enforce judgments heretofore rendered by the Juvenile Court of Coffee County and all judgments in criminal cases heretofore rendered by Justices of the Peace in Coffee County in all respects as though the judgments had been rendered by it. This act shall not apply to nor affect any criminal or quasi criminal case pending in any Justice of the Peace Court of the county on the effective date hereof.

Section 14. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 15. All laws in conflict with this Act are, to the extent of the conflict, repealed.

Section 16. This act shall take affect on the first day of the month next following the date of its enactment.

Approved September 12, 1969.

Time: 6:53 P.M.

Act No. 906

H. 1281—Cook (Coffee)

AN ACT

To create a Deputy District Attorney for Coffee County, and to provide for his duties, selection and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1: The office of Deputy District Attorney of Coffee County, Alabama, is hereby created. The Deputy District Attorney provided for herein shall be appointed and serve at the pleasure of the District Attorney of the 12th Judicial Circuit, or such other Judicial Circuit or District as Coffee County may hereafter be a part.

Section 2: The Deputy District Attorney shall be learned in the law and a resident of Coffee County, Alabama, and shall perform such duties and exercise such authority as may be prescribed by law pertaining to duties and authority of Deputy or County Solicitors, and by the District Attorney appointing same.

Section 3: The salary of the Deputy District Attorney shall be the sum of \$3,600.00 per annum, payable out of the General Fund of Coffee County in equal monthly installments.

Section 4: All laws in conflict with this Act are, to the extent of the conflict, repealed.

Section 5: This act shall take effect on the first day of the month next following the date of its enactment.

Approved September 12, 1969.

Time: 6:54 P.M.

Act No. 907

H. 1282—Cook (Coffee)

AN ACT

Relating to Coffee County; to provide further for the distribution of fines and forfeitures in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1: One-half of all fines and forfeitures hereafter paid by persons convicted in courts of competent jurisdiction, other than municipal courts, within Coffee County of violations

of the rules of the road, or the laws of this State relating to or regulating traffic or the operation of motor vehicles upon the highways of this State, shall be paid to the general fund of Coffee County and the remainder shall be remitted by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2: All laws or parts of laws which conflict with this Act are, to the extent of such conflict, repealed.

Section 3: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:55 P.M.

Act No. 908

H. 1286—Foshee, Jackson (F)

AN ACT

Relating to counties having populations of not less than 35,100 nor more than 36,100; to provide that the election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county; to provide that the governing body of the county shall regulate and provide for the use of voting machines at all elections, special, general or primary held within the county, a political subdivision thereof or any municipality therein, and in so doing may, in the manner herein prescribed, divide any voting precinct of the county into districts, designate in each district a voting center at which the qualified electors of the district so designated may vote; to provide the time of changing boundary lines; to prescribe the number of voting machines to be maintained at each voting center; to provide for the use of paper ballots in voting centers where voting machines are not provided; to provide election officers for each voting center; to prescribe the duties of such election officers and fix their compensation; to prescribe the duties of the judge of probate in such elections; to provide for the manner of payment of such election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties of the State of Alabama having populations of not less than 35,100 nor more than 36,100 according to the last or any subsequent federal decennial census. Unless a contrary intent appears from the context, as used herein, the word "election" shall mean any general, special or primary election held in the county, including a district, municipal, county, state or federal election; and the words "voting center" shall mean any place in the county which the county governing body designates as a voting place; the words "governing body" of such county shall mean

the court of county commissioners, board of revenue, county commission, or other like county governing body.

Section 2. The election precincts of the county as now established shall so remain until changed and the governing body of the county shall have exclusive power to establish, change, consolidate or alter election precincts in such county. (a) subject to the provisions of sub-section (b) of this section, when the use of voting machines at elections has been, or shall hereafter be authorized, the governing body of the county shall have the authority to designate a voting center or voting centers in the county. Such designation shall be made by a resolution adopted by the governing body of the county, which resolution shall state: (1) the location of the voting center, and (2) the boundaries of the district in which electors shall reside to be entitled to vote at said voting center. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a district designated hereunder. All of the district designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the district. The governing body of the county may by resolution abolish a voting district and discontinue the voting center therein or may extend or restrict the boundaries of such voting district and retain the voting center therein, or may subdivide such voting district and designate an additional voting center therein, provided that no voting district line be changed less than 60 days prior to an election in said district.

(b) Except as herein expressly provided, in designating voting centers and the district for which they were established, the governing body of the county shall be subject to the same laws as are applicable regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940.

Section 3. The voting list of any district which is furnished the election officers serving at the voting centers designated for such district shall contain the names of all qualified electors of the district on a single roll. Except as herein otherwise provided the laws applicable to the preparation, distribution, publication, and checking of poll lists shall apply to the poll list of a district for which a voting center has been established by the governing body of the county pursuant to authority hereby conferred.

No elector shall vote at any voting center other than the voting center of the district of which he is a qualified elector,

but any elector eligible to vote at a voting center may vote at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

Section 4. The county governing body, shall have the authority to determine at what voting centers voting machines shall be used and at what voting centers paper ballots shall be used.

The number of voters for each voting machine in any election shall be determined by the county governing body.

Paper ballots shall not be used in any voting center where voting machines are installed, except as provided for under Section 110 of Title 17 of the 1940 Code of Alabama and for casting a challenged vote as authorized by law.

Section 5. For each voting center where only one (1) machine is used there shall be a Chief Inspector, an Assistant Chief Inspector, and two (2) Clerks. For each additional machine, there shall be one (1) additional Clerk. For each voting center where a split poll list is necessary, there shall be two (2) additional Clerks. Where paper ballots are used exclusively, the provisions of law applicable to the use of paper ballots shall apply as to the number and designation of election officials in such voting center.

It shall be the duty of the chief inspector and the assistant chief inspector to attend the school of instruction which may be provided by the election commission of the county.

The duties of the assistant chief inspector shall be, in addition to his other duties, to manage and (handle) machine number one at each voting center and to be assisted by an additional clerk for each additional machine in said voting center. It shall be the chief inspector's duty to act as returning officer, and it shall be his duty to secure all election supplies from the sheriff's office before the election day. He shall keep the said supplies in his possession and deliver them to his voting center before the polls open on election day. It shall be the chief inspector's duty where voting machines are used to see that each machine number, protective counter number, public counter number, and seal number is properly checked and also that zeroes are by each candidate's name or question, as the case may be, before the polls open. He shall make certificates of results, as required by law; and it shall be his duty to see that the certificates of results are properly completed and, with the other election reports that are designated for the returning officer, are returned to the office of the judge of probate im-

mediately after their being completed, upon closing of the polls and not later than 9:00 A.M. the following day after the election.

It shall be the duty of the judge of probate to prepare a form of a certificate of results that will show the results of each machine or of each ballot box in the voting center on one certificate. The form shall carry the number of each machine showing the serial number, the protective counter number and the name of each candidate. This certificate shall be made up in pad form, with carbon, so that an original and the necessary copies can be made. It shall be the duty of the inspector, the assistant chief inspector, and the clerks to check and re-check the results of votes cast for each candidate on each machine, or ballot box in the event paper ballots are used. The necessary certificates of results for each voting center, showing the results for each machine, shall be prepared. One certificate shall be posted at the polling place; one certificate shall be delivered to the chairman of each county and state executive committee of each political party participating in the election, in the case of a primary election; one certificate shall be delivered to the judge of probate to be used in case of a contest; and one certificate shall be delivered to the office of the judge of probate for the use of the press and radio. In a general election, it shall be the duty of the election officials to furnish a certificate of results to the office of the judge of probate of the county, and no such certificates shall be required to be delivered to the chairman of the county and state executive committees of the political parties participating in the election. The Chief Inspector, The Assistant Chief Inspector, and any two clerks assigned to the voting center must sign each and all of the certificates of results.

Election officials shall serve only in the election that they are subpoenaed for.

The Chief inspector shall be paid \$12.50 plus mileage, as now provided by law for bringing in the election returns, as returning officer. The assistant chief inspector shall be paid \$10.00. Each clerk shall be paid \$10.00 per day. Provided, however, that where paper ballots are used exclusively, the provisions of law applicable to the use of paper ballots shall apply as to the amount which each election official in such voting centers shall be paid.

Section 6. It shall be the duty of the custodian of the voting machines properly to set the names of all candidates certified before the day of election. It shall also be the duty of the custodian properly to set the number of machines for each voting district as may be designated by the county governing body.

The custodian shall cause to be delivered the number of machines to the respective voting centers, as heretofore designated by the governing body of the county, before 7:00 A.M. on the day of election.

Also, it shall be the duty of the county governing body, to furnish to the chairman of each county and state executive committee of each political party participating in the election and to the election commission of the county, not later than forty-five (45) days before an election, the number of machines to be used in any election, and a list of voting centers where paper ballots are to be used. Provided, that in case of a run-off primary, the number of machines to be used and a list of voting centers where paper ballots are to be used shall be furnished as provided herein not later than fourteen (14) days before such run-off primary.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. The provisions of this Act are cumulative and remedial, and shall in no respect be construed as a repeal of any existing legislation except in case of direct conflict with the provisions of this Act.

Section 10. This Act shall become effective twenty days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:56 P.M.

Act No. 909

H. 1287—Foshee, Jackson (F)

AN ACT

To alter or rearrange the boundary lines of the City of Opp, Covington County, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits, and also certain other territory in Covington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Opp, Covington County, Alabama, be and the same are hereby altered or rearranged so as to include within the corporate limits of the City of Opp all territory now within such corporate limits and also certain other territory in Covington County, Alabama, all of which other territory lying and being in Covington County, Alabama is more particularly described as follows:

E $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 36, Township 4 North, Range 17 East; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 19, Township 4 North, Range 17 East; all of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 32, Township 4 North, Range 18 East lying South of Alley between Cummings Street and Rosalie Avenue; S $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 20, Township 4 North, Range 18 East; S $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 20, Township 4 North, Range 18 East; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 20, Township 4 North, Range 18 East; E $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 20, Township 4 North, Range 18 East; S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 16, Township 4 North, Range 18 East; S $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 16, Township 4 North, Range 18 East; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 21, Township 4 North, Range 18 East; S $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 15, Township 4 North, Range 18 East; S $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 15, Township 4 North, Range 18 East; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 14, Township 4 North, Range 18 East; NE $\frac{1}{4}$ of Section 22, Township 4 North, Range 18 East; N $\frac{1}{2}$ of SE $\frac{1}{4}$ Section 22, Township 4 North, Range 18 East; All of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 22, Township 4 North, Range 18 East lying North of South Right of Way of the Cool Springs Road; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 22, Township 4 North, Range 18 East; W $\frac{1}{2}$ of NW $\frac{1}{4}$ Section 23, Township 4 North, Range 18 East; W $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 23, Township 4 North, Range 18 East; East $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 27, Township 4 North, Range 18 East; E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27, Township 4 North, Range 18 East; All of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 27, Township 4 North, Range 18 East lying South of the North Right of Way of the Perry Store Road; W $\frac{1}{2}$ of NW $\frac{1}{4}$ Section 26, Township 4 North, Range 18 East; NE $\frac{1}{4}$ of Section 34, Township 4 North, Range 18 East; SE $\frac{1}{4}$ of Section 34, Township 4 North, Range 18 East; W $\frac{1}{2}$ of NW $\frac{1}{4}$ Section 35, Township 4 North, Range 18 East; W $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 35, Township 4 North, Range 18 East; NW $\frac{1}{4}$ of Section 2, Township 3 North, Range 18 East; N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 2, Township 3 North, Range 18 East; NE $\frac{1}{4}$ of Section 3, Township 3 North, Range 18 East; SE $\frac{1}{4}$ of Section 3, Township 3 North, Range 18 East; SW $\frac{1}{4}$ of Section 3, Township 3 North, Range 18 East; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 3, Township 3 North, Range 18 East; SE $\frac{1}{4}$ of Section 4, Township 3 North, Range 18 East; SW $\frac{1}{4}$ of Section 4, Township 3 North, Range 18 East; W $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 26, Township 4 North, Range 18 East.

Section 2. This Act shall take effect on its passage and approval by the Governor or otherwise becoming law.

Approved September 12, 1969.

Time: 6:57 P.M.

AN ACT

Relating to counties having a population of not less than 38,000 and not more than 45,000 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having a population of not less than 38,000 and not more than 45,000 according to the last Federal Decennial Census the Board of Revenue, or other like governing body of such County, may in its discretion, appropriate annually from the public funds of the county an amount not exceeding \$4,000 as a contingent fund from which shall be paid any entertainment or promotional expense incurred for and incidental to the promotion of economic, industrial, or cultural development of the county, and from which shall be paid any other equitable and just claim or claims against the county for which the county is not legally liable but morally and justly obligated, and for recovery of which the claimant or claimants have no recourse at law. Any appropriation so made shall be paid by the county treasury or depository on warrants drawn in such manner as the county governing body may direct. Any unexpended or unencumbered balance in any such contingent fund shall revert to the county general fund at the end of each fiscal year.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:58 P.M.

Act No. 911

H. 1293—Beck, Meade

AN ACT

Relating to counties having populations of not less than 41,000 nor more than 45,000, according to the most recent federal decennial census; to fix the fee for issuance of a pistol permit by the sheriff; to provide for the disposition and use of such fees; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 41,000 nor more than 45,000, according to the most recent

federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars (\$5), which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee collected shall be credited to a special fund or account in the county treasury known as the sheriff's fund. The sheriff's fund shall be drawn upon by the sheriff and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit. The establishment of the sheriff's fund as provided in this Act shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office. The remaining part of each fee collected shall be credited to the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 6:59 P.M.

Act No. 912

H. 1298—Stembridge, Crawford

AN ACT

Relating to counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census: to increase the compensation of the members of the jury commission in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, each member of the jury commission shall be paid fifteen dollars (\$15) per diem for the time actually engaged in the discharge of his official duties. This compensation shall be paid from the general funds of the county upon the warrant of the probate judge of the county. Such warrants are to be issued by the probate judge upon evidence satisfactory to him that such service has been rendered.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:00 P.M.

Act No. 913

H. 1299—Stembridge, Crawford

AN ACT

To amend further Section 4 of Act No. 553, H. 145, Regular Session 1955, an act providing for urban renewal projects (Acts 1955, v. 2, p. 1210), as amended, in relation to the powers of housing authorities and municipalities to acquire planning funds from federal agencies.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 553, H. 145, Regular Session 1955, an act granting to housing authorities and to municipalities certain powers relative to urban renewal (Acts 1955, v. 2, p. 1210), as amended, is hereby further amended to read as follows:

“Section 4. Powers with Respect to Urban Renewal. An authority shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to make payments to persons and businesses displaced by the acquisition and disposal of any property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, confers on an authority with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the authority, the municipality, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a redevelopment plan or redevelopment project, in the same manner as though all of the provisions of Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, applicable to a redevelopment plan or redevelopment project were applicable to an urban renewal plan or urban renewal project provided that for such purpose the word ‘redevelopment’ as used in Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940, shall mean ‘urban renewal’ and the word ‘slum’ and the word ‘blighted’ as used in said Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940 shall mean ‘blighted, deteriorated, or deteriorating’; and provided further that this section shall not change

the corporate name of the authority or amend any Section of Sec. 96-104 Inc. of Title 25, Code of Alabama, 1940. In addition to the surveys and plans which an authority is otherwise authorized to make, an authority is hereby specifically authorized to make (i) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (ii) plans for the enforcement of laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The authority is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight. However, in Houston County, Alabama, no municipality or housing authority situated in said county shall have power to undertake any urban renewal or redevelopment project unless the undertaking shall have been first authorized by vote of the duly qualified electors of the city or town thereby affected, at an election held for such purpose, in the manner prescribed by the governing body of the city or town; this Act shall in no way preclude any municipality or housing authority from acquiring planning funds from any agency of the federal government for the purpose of investigating and planning any urban renewal project to be submitted to the electors of the city or town or housing authority affected under this Act and the acquisition of said planning funds shall not require a vote of the duly qualified electors of the city or town or housing authority affected under this Act, all other parts and sections of this Act remain unchanged."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:01 P.M.

Act No. 914

H. 1300—Stembridge, Crawford

AN ACT

To apply only in counties having populations of not less than 50,000 nor more than 54,000, according to the most recent federal decennial census, providing a county supplement to the per diem compensation of members of the county board of equalization and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 50,000 nor more than 54,000, according to the most recent

federal decennial census, the members of the county board of equalization shall each be paid out of the general funds of the county a per diem supplement of five dollars (\$5) for each day such member is engaged in the discharge of his official duties, which shall be in addition to the per diem compensation paid by the state and county as otherwise provided for by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:02 P.M.

Act No. 915

H. 1301—Williams

AN ACT

To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having populations of not less than 36,600 nor more than 37,600 according to the 1960 or any subsequent federal decennial census.

Section 2. Any person, firm, or corporation desiring to operate a hunting or shooting preserve in any county to which this Act applies on which artificially propagated birds may be hunted, taken, captured, killed, or otherwise recovered, may do so upon obtaining a hunting preserve license and complying with the provisions of this Act and all rules and regulations prescribed by the director of conservation governing the operation of hunting preserves.

Section 3. Each hunting preserve shall contain a minimum of 100 acres in one tract of leased or owned land, including water area, if any, and shall be restricted to not more than 1,000 contiguous acres including water, if any. The exterior boundaries of each hunting preserve shall be bordered by a single strand of wire or such fence as is acceptable to the state director of conservation, except where rivers, creeks, roads, or other

clearly defined demarcations or delineations, acceptable to the director of conservation, form the boundary or a part thereof. Signs shall be erected at intervals of not less than 150 feet around the perimeter of the tract. At the top of each sign shall appear in letters not less than 2 inches high the words, "LICENSED HUNTING PRESERVE," and such other words as the director of conservation may prescribe. No hunting preserve shall be located within one mile of any other such preserve or within one mile of any management area or refuge existing under state or federal law or regulations at the time of the establishment of such hunting preserve. No license shall be issued for any hunting preserve on which the shooting of turkeys is authorized.

Section 4. Game which may be hunted on a preserve licensed under this Act shall be artificially propagated bob-white quail, coturnix quail, pheasants, chuckar partridge, and such other species of fowl as the director of conservation shall designate. A minimum stock of at least 1,000 bob-white quail, if bob-white quail are to be hunted on the preserve, and a minimum stock of 200 of each of the other species of birds, listed above, to be hunted on a licensed preserve shall be released on the licensed hunting area during each hunting season.

Section 5. The privilege license or permit fee for operating a hunting preserve shall be \$25 per year for the first 100 acres of hunting preserve area plus \$5 per year for each additional 100 acres or part thereof. Any person who desires to operate such a hunting preserve shall first file a request with a local state game warden, or with the state department of conservation, to have the tract which he proposes to use as a hunting preserve inspected, and if it meets the requirements of this Act and the rules and regulations of the department of conservation he shall have a permit issued to him to procure a license to operate such hunting preserve. Upon presentation to the judge of probate of the county in which the preserve is located of a permit from the department of conservation, dated not more than thirty days prior to its presentation, accompanied by the proper license fee prescribed in this section, and an issuance fee of fifty cents, the judge of probate of any county to which this Act applies shall issue a privilege license to operate a hunting preserve to the applicant. Privilege licenses to operate hunting preserves shall be issued on forms prescribed by the director of conservation and furnished by him to the judges of probate. All fees collected by the judges of probate for issuing hunting preserve licenses shall be remitted at the same time and in the same manner that hunting and fishing license fees are remitted and shall be paid into the game and fish fund of the state department of conservation.

Section 6. The holder of a license issued pursuant to this Act, his guest, and patrons may hunt, take, capture, kill, or otherwise recover during the year no more than 80 per cent of the total number of each species of birds released on the preserve during such year. The season during which each species of birds may be hunted, taken, captured, killed, or otherwise recovered on such preserve and the bag limits shall be prescribed by the state director of conservation; but in no event shall the season be longer than six months, nor shall it begin before October 1, nor extended later than March 31 of any year.

Section 7. Bob-white quail and coturnix quail shall be tagged with self-sealing tag prior to being released on the preserve. The operators of hunting preserves shall cooperate in other requests which the director of conservation might make for scientific investigations. The Alabama Department of Conservation shall specify tags which hunting preserve operators shall use, the tags to be numbered consecutively, dated by year of issuance, and carry the operator's license number.

Section 8. Each hunting preserve operator shall maintain a register and record therein the names, addresses, hunting license numbers, the date on which each hunted, and the amount and species of game taken by each hunter. An accurate record by species shall also be maintained of the total number of birds raised on the preserve or purchased, and the number of each species released thereon each year. These records shall be open to inspection by any duly authorized representative of the state department of conservation at any reasonable time, and shall be the basis upon which the bag limits and hunting seasons in section 6 hereof shall be determined.

Section 9. Alabama hunting licenses shall be required of all persons hunting on licensed hunting preserves. Alabama residents shall be licensed under the regularly established game laws. Each non-resident hunting on a licensed preserve shall be required to possess a regular non-resident annual hunting license or a non-resident trip hunting license.

Section 10. Duly authorized agents of the state department of conservation, game wardens, and other law enforcement officers duly authorized to enforce game and fish laws shall have authority to enforce all game and fish laws and regulations on such preserves; and for such purposes are authorized to enter and inspect licensed hunting preserves. Violations of game and fish laws and regulations on such hunting preserves either by the owner, guests, or patrons of such preserves shall be grounds for revocation of the hunting preserve license; and the director of conservation may immediately revoke a hunting

preserve license upon proof that any such violations have occurred thereon.

Section 11. Any person, firm, or corporation who operates a licensed hunting preserve in violation of any provision of this Act or a duly promulgated rule of the director of conservation relative to the operation thereof shall be guilty of a misdemeanor; and upon conviction shall be punished by a fine of not less than \$50 nor more than \$500 and at the discretion of the court may also be imprisoned for a period of not more than six months for each offense.

Section 12. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:03 P.M.

Act No. 916 H. 1303—Dill, Bowers, Weeks, Meeks, Gloor,
Yeilding, Sessions, Holman, Cook
(Jefferson), Money, Ellis

AN ACT

To authorize and regulate cooperation in counties having populations of 600,000 or more, according to the most recent federal decennial census, among and between the county, municipalities, other governmental subdivisions and public corporations therein, the state and the federal government on a basis of mutual advantage in order better to provide services and facilities to fill the needs of the inhabitants thereof and promote the full development of area.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. It is the purpose of this act to permit county governing bodies of all counties in this state having populations of 600,000 or more according to the most recent federal decennial census, and all municipalities, other governmental subdivisions and public corporations in such counties to make the most efficient use of their powers by enabling them to cooperate with the state, the federal government and with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to

forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of such counties and the municipalities and other governmental units and agencies therein.

Section 2. Short Title. This act may be cited as the Inter-local Cooperation Act.

Section 3. Definitions. For the purpose of this act:

(1) The term "public agency" shall mean any county in Alabama which has a population of 600,000 or more according to the most recent federal decennial census, any municipality or other political subdivision of such county or any public corporation organized and existing in any such county; and any agency of the state government or of the United States.

(2) The term "public cooperation" shall mean any corporation or authority organized and existing pursuant to law as an agency in the administration of the civil government of the state, or of the county, a municipality or a district therein such as, but not limited to, corporations organized for the purpose of constructing public buildings, roads, bridges, other public ways or improvements or for providing public utility services, recreational and other community facilities or for promoting industry, trade or the general development and enjoyment of the area, including the conservation or reclamation of natural resources.

Section 4. Interlocal Agreements. (a) Any power or powers, privileges or authority exercised or capable of exercise by a public agency may be exercised and enjoyed jointly with any other public agency having the power or powers, privilege or authority, and jointly with the state or any agency of the state or of the United States to the extent that laws of the state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of these participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

(1) Its duration.

(2) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.

(3) Its purpose or purposes.

(4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.

(5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

(6) Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the point or cooperative undertaking, the agreement shall, in addition to items 1, 3, 4, 5, and 6 enumerated in subdivision (c) hereof, contain the following:

(1) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented.

(2) The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

(e) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performances may be offered in satisfaction of the obligation or responsibility.

(f) Every agreement made hereunder that includes as a party thereto an officer or agency of this state or a public agency of the United States shall, prior to and as a condition precedent to its becoming effective, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted to him hereunder unless he finds that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements

of law. Failure to disapprove an agreement submitted hereunder within sixty (60) days of its submission shall constitute approval thereof.

Section 5. Generation, Transmission, or Distribution of Electricity. Nothing in this act shall be construed to increase or decrease existing authority of any public agency of this state to enter into agreements or contracts with any other public agency of this state or the United States with regard to the generation, transmission, or distribution of electricity or the existing powers of any private or public utilities.

Section 6. Filing, Status, and Actions. Prior to its entry into force, an agreement made pursuant to this act shall be filed with the judge of probate of the county and with the secretary of state. In the event that an agreement entered into pursuant to this act is between or among one or more public agencies of this state and one or more public agencies of the United States said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

Section 7. Additional Approval in Certain Cases. In the event that an agreement made pursuant to this act shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorney general pursuant to section 4 (f) of this act. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorney general.

Section 8. Appropriations, Furnishing of Property, Personnel and Service. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the

joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

Section 9. Interlocal Contracts. Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

Section 10. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Repealer. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 7:04 P.M.

Act No. 917

H. 1307—McLain

AN ACT

Relating to all incorporated cities and towns within the State of Alabama; authorizing all cities and towns to provide by ordinance for the levy and assessment of sales taxes, parallel to the State levy of sales taxes as levied by Act No. 100, H. 94, Second Special Session 1959, as amended; providing that all such taxes levied or assessed shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions, as are provided by Act No. 100, H. 94, Second Special Session 1959, as amended; authorizing said cities and towns to provide by ordinance for the levy and assessment of an excise tax or use tax parallel to the State levy and assessment of excise or use taxes, as levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended; providing that the levy and assessment of all said excise taxes and use taxes shall be subject to all definitions, exceptions, exemptions, requirements, provisions, penalties, fines, punishments and deductions, as are provided by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended; providing that said cities and towns shall from time to time adopt by ordinance such rules and regulations for making returns and for ascertainment, assessment, and collection of any taxes levied as it may deem necessary to enforce these provisions; providing that the Council or other governing body may adopt in whole or in part any rules and regulations which may be promulgated by the State Department of Revenue or may modify and amend the same, subject to the discretion of the Council or

other governing body; providing that the Council or other governing body shall have the authority to provide by ordinance for the rate of said tax, providing that the same may be levied and assessed in whole or in part, in lieu of any privilege license tax based on gross receipts which at the time of said levy, is otherwise provided for by ordinance, pursuant to Title 37, Sec. 735, Code of Alabama 1940; providing that any previous pledge of the proceeds collected from a privilege license tax levied by ordinance, pursuant to Title 37, Sec. 735, Code of Alabama 1940, shall have full force and effect as to any levy or assessment made pursuant to this Act; providing for the levy and assessment of all taxes herein authorized within the police jurisdiction of any said city or town; providing that the Council or other governing body may by Resolution provide for the administration and collection of all taxes levied and assessed under the provisions of this Act by the State Department of Revenue under the provisions and procedures provided for by Act No. 203, H. 99, Special Session 1965.

Be It Enacted by the Legislature of Alabama:

Section 1. The Council or other governing body of all incorporated cities and towns within the State of Alabama is hereby authorized and empowered to provide by ordinance for the levy and assessment of sales taxes, parallel to the State levy of sales taxes, as levied by Act No. 100, H. 94, Second Special Session 1959, as amended, or as the same may hereafter be amended, except where inapplicable or where herein otherwise provided, and further provided that no city or town shall be authorized to levy any such tax against the Alcoholic Beverage Control Board of the State of Alabama in the sale of alcoholic beverages.

Section 2. All taxes levied or assessed by any city or town, pursuant to the provisions of Section 1 hereof, shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions as are provided by Act No. 100, H. 94, Second Special Session 1959, as amended, or as the same may hereafter be amended, except where inapplicable or where herein otherwise provided.

Section 3. The Council or other governing body of all incorporated cities and towns within the State of Alabama is hereby authorized and empowered to provide by ordinance for the levy and assessment of an excise tax or use tax parallel to the state levy and assessment of excise or use taxes as levied by Article 11, Chapter 20, Title 51, Code of Alabama 1940, as amended, or as the same may hereafter be amended, except where inapplicable or where herein otherwise provided.

Section 4. All taxes levied or assessed by any city or town pursuant to provisions of Section 3 hereof shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, provisions, penalties, fines, punishments, and deductions, as are provided by Article 11, Chapter 20, Title 51, Code of Alabama

1940, as amended, or as the same may hereafter be amended, except where inapplicable or where herein otherwise provided.

Section 5. The Council or other governing body making a levy or assessment of taxes under the provisions of this Act, shall from time to time adopt by ordinance such rules and regulations for making returns and for ascertainment, assessment and collection of any taxes levied as it may deem necessary to enforce its provisions, and upon request shall furnish any taxpayer with a copy of such rules and regulations. The Council or other governing body may adopt in whole or in part any rules and regulations which may be promulgated by the State Department of Revenue, or may modify and amend the same at the discretion of said Council or other governing body.

Section 6. The Council or other governing body levying or assessing taxes authorized by this Act shall have the authority to provide by ordinance for the rate of said tax. Said Council or other governing body may provide in any ordinances levying or assessing said tax that the same is levied and assessed in whole or in part, in lieu of any privilege license tax based on gross receipts which at the time of said levy is otherwise provided for by ordinance, pursuant to Title 37, Section 735, Code of Alabama 1940. In all cases where said levy and assessment made pursuant to this Act is required by ordinance, any previous pledge of the proceeds collected from a privilege license tax levied by ordinance pursuant to Title 37, Section 735, Code of Alabama 1940, shall have full force and effect as to any levy or assessment made pursuant to this Act.

Section 7. The Council or other governing body shall have the authority to levy and assess by ordinance within the police jurisdiction of any said city or town, all taxes authorized by this Act, provided that said levy and assessment shall not exceed $\frac{1}{2}$ the amount levied and assessed for like businesses, sales, or uses, conducted within the corporate limits, fees and penalties excluded.

Section 8. The Council or other governing body may pass an ordinance or resolution requiring the State Department of Revenue to administer and collect any taxes levied and assessed under the provisions of this Act. In all cases where the Council or other governing body provides by ordinance or resolution for the administration and collection of any taxes levied under the provisions of this Act by the State Department of Revenue, said administration and collections shall be made under the same provisions and procedures provided for by Act No. 203, Special Session 1965.

Section 9. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:05 P.M.

Act No. 918

H. 1308—McLain

AN ACT

To provide that all municipalities and all counties levying an excise or privilege license tax upon the sale, use or consumption, distribution, storage or withdrawal from storage, of gasoline or motor fuel may require that where the tax has been paid to the municipality or county by a distributor, refiner, or by any retail dealer, storer, or user, such payment shall be sufficient, the intent being that the tax shall be borne by the consumer and paid to the municipality or county but once.

Be It Enacted by the Legislature of Alabama:

Section 1. All municipalities and all counties levying an excise or privilege license tax upon the sale, use or consumption, distribution, storage, or withdrawal from storage, of gasoline or motor fuel may require that where the tax has been paid to the municipality or county by a distributor, refiner, or by any retail dealer, storer, or user, such payment shall be sufficient, the intent being that the tax shall be borne by the consumer and paid to the municipality or county but once.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:06 P.M.

Act No. 919

H. 1310—Jones, Pennington, Laxson, Grainger,
McLain

AN ACT

To make further provisions respecting distribution to municipalities in Madison County, under Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, of that portion allocated to municipalities in Madison County under the said Act No. 708 of the proceeds of the excise tax, known as the state gasoline tax, levied on

gasoline and other motor fuels by Section 647 of Title 51 of the Code of Alabama of 1940 and by Act No. 674, 1961 Regular Session of the Legislature; and to that end, (a) to amend Section 7 of the said Act No. 708, and (b) to provide for distribution and use of the moneys heretofore allocated to municipalities in Madison County under Section 3 of the said Act No. 708 that have not yet been distributed to the said municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Amendment of Act No. 708, 1967 Regular Session. Section 7 of Act No. 708 adopted at the 1967 Regular Session of the Legislature of Alabama, which provides for public highways, streets and bridges in Madison County, Alabama, and contains, inter alia, provisions for the distribution among the said county and the municipalities therein of those portions that are allocated to the said county by Act No. 224, 1967 Special Session, of the net proceeds from that certain excise tax, referred to in the said Act No. 708 as (and herein called) the "highway gasoline tax," and consisting of (a) the excise tax levied under Section 647 of Title 51 of the Code of Alabama of 1940, as amended, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said Section 647, and (b) the excise tax levied by Section 674 adopted at the 1961 Regular Session of the Legislature, as amended, exclusive of that portion of the said tax in respect of diesel fuel, is hereby amended so that the said Section 7 shall read as follows:

Section 7. Use of Tax Proceeds Distributed Under This Act. All tax proceeds paid to the county pursuant to the provisions of this act shall be used by the county only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges, as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the proceeds from the highway gasoline tax were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in Act No. 838 adopted at the 1953 Regular Session of the Legislature; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

All tax proceeds paid to any municipality pursuant to the provisions of this act shall be used by such municipality only for transportation planning, and for the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets, and other public ways including payment of the principal of and interest on any securities at any time

issued by the municipality pursuant to law for the payment of which any part of the said proceeds were or may be lawfully pledged; provided, that no part of the said tax proceeds shall be expended contrary to the provisions of the Constitution of the state.

When requested so to do by any municipality in the county, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this act. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 2. Disposition of Unexpended Highway Gasoline Tax Proceeds Allocated to Municipalities Under Act No. 708 Prior to the Effective Date of This Act The state treasurer shall, within thirty days after the effective date of this act, pay over and distribute to or on the order of each municipality in the county all moneys which shall have been theretofore allocated to that municipality under the said Act No. 708 and which shall not have been theretofore paid to that municipality; provided, however, that if the state highway department shall within five days after the effective date of this act file with the state treasurer a certificate signed by the Highway Director with respect to any such municipality (a) stating (i) that on the effective date of this act there was an outstanding contract between the said municipality and the state highway department whereunder the said municipality agreed to pay to the said department as compensation for engineering services of the said department in either preparation of plans or supervision of construction work, or both, or as compensation for construction work performed by the said department (or as compensation for both such engineering services and such performance of construction work), any portion of the moneys that might be allocated to that municipality under the said Act No. 708, (ii) that any such engineering services or construction work have been theretofore actually performed by the said department, (iii) that the amount of the compensation provided for in the said contract does not exceed the reasonable value of the services or work so performed, and (iv) that all or part of the said compensation then remains unpaid, (b) setting forth the amount of the said compensation that then remains unpaid and (c) directing the State Treasurer to pay the said unpaid compensation to the state highway department, out of the aforesaid moneys allocated to the said municipality under the said Act No. 708 prior to the effective date of this act; then the State Treasurer shall within the said thirty-day period (1) pay to the state

highway department, out of the moneys allocated to the said municipality under the said Act No. 708 prior to the effective date of this act, the amount stated in the said certificate pursuant to the foregoing clause (b) of this section and (2) pay to or on the order of the said municipality the residue of the moneys allocated as aforesaid to such municipality under the said Act No. 708 prior to the effective date of this act.

None of the provisions of this section shall be deemed to prevent the state highway department and any municipality in the county from entering into any arrangement mutually agreeable to them for payment of any compensation to the state highway department that the municipality may have agreed to make in any contract entered into prior to the effective date of this act. The state highway department and any such municipality are hereby specifically authorized to enter into any such other arrangement and in the event mutually satisfactory arrangements for payment of any such compensation are made between the said department and any such municipality, the department shall not file the certificate hereinabove provided for with respect to that municipality.

Section 3. Severability. The provisions of this act are hereby declared severable. If any part of this act should be held invalid, such holding shall not affect the part which remains.

Section 4. Effective Date. This act shall become effective on the first day of the second month following its being signed by the Governor or otherwise becoming law.

Approved September 12, 1969.

Time: 7:07 P.M.

Act No. 920

H. 1314—Manley, Pruitt

AN ACT

To amend Section 1 of Act No. 179, Acts of Alabama 1965, page 250, relating to counties having a population of not less than 27,000 nor more than 30,000, according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds; to provide for actual expenses for travel outside the county on county business and to validate payments heretofore made for such travel.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 179, Acts of Alabama 1965, page 250, is hereby amended to read as follows:

"Section 1. In any county having a population of not less than 27,000 nor more than 30,000, according to the most recent

federal decennial census, each member of the board of revenue, court of county commissioners, or other like governing body of such county, shall be allowed an expense allowance not to exceed one hundred dollars (\$100.00) per month as reimbursement for expenses incurred in the performance of his duty as a member of such governing body. The amount of such allowance shall be fixed by resolution of the governing body and shall be paid out of the general fund of the county or out of the county gasoline tax fund, or both, as prescribed by law. The allowance herein provided shall be in addition to any other salary, allowance or other compensation provided by law to members of any such county governing body provided, however, that for travel outside the county on county business each member of such governing body shall be paid, in addition to allowances provided in this or any other law, his actual expenses of travel and ten cents per mile or cost of commercial transportation."

Section 2. Actual expenses paid for cost of travel outside the county on county business prior to passage of this act are hereby validated and approved.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:08 P.M.

Act No. 921

H. 1328—McElhaney, Hobbie, Springer,
Cameron, Harris

AN ACT

Relating to counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census; to exempt art guilds and their property from state, county, and municipal taxes, licenses, fees, and excises, under certain prescribed conditions; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in but only in counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census.

Section 2. All art guilds and all real and personal property of all art guilds, and of any branch or department of same

heretofore or hereafter organized and existing in good faith in the state of Alabama, for other than pecuniary gain and not for individual profit, when such real or personal property shall be used by such guilds, their branches or departments, in and about the conducting, maintaining, operating and carrying out of the program, work, principles, objectives and policies of such guilds, their branches or departments, in any city or county of the state of Alabama, are exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the state of Alabama or any county or municipality thereof. The receipt, assessment or collection of any fee, admission, service charge, rent, dues or any other item or charge by any such guild, its branches or departments, from any person, firm or corporation for any service rendered by any such guild, its branches or departments, or for the use or occupancy of any real or personal property of any such guild, its branches or departments, in or about the conducting, maintaining, operating and carrying out of the program, work, principles, objectives and policies of any such guild, its branches or departments, shall not be held or construed by any court, agency, officer or commission of the state of Alabama, or any county or municipality thereof to constitute pecuniary gain or individual profit by any such guild, its branches or departments, or the doing of business in such a manner as to prejudice or defeat, in any manner, the right and privilege of any such guild, its branches or departments, to claim or rely upon or receive the exemption of such guild, its branches or departments, and of all real and personal property thereof from taxation, as herein provided.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on October 1, 1969.

Approved September 12, 1969.

Time: 7:09 P.M.

A bill further regulating the salaries of the members of the Tax Equalization Board, Board of Registration, and Jury Commission in Randolph County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the present salary, the members of the Tax Equalization Board, Board of Registration, and Jury Commission shall receive \$5.00 per day from the county's General Fund or such funds as authorized by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:10 P.M.

Act No. 923

H. 1330—Young

AN ACT

Relating to Randolph County; regulating further the compensation, allowances, and duties of members of the Court of County Commissioners, Board of Revenue, or other like governing body of the county; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Court of County Commissioners, Board of Revenue, or other like governing body of Randolph County, shall be paid an annual salary of \$6,000.00 for their services in lieu of per diem pay or mileage. Such salary shall be paid in equal monthly installments from any funds in the county treasury available for such purpose. Each member shall be furnished a pickup truck by the county which he may use in and about the proper discharge of his duties in letting out, inspecting and accepting, building or repairing any of the county roads or bridges.

Section 2. The Court of County Commissioners, Board of Revenue, or other like governing body shall hold regular meetings twice monthly. Such meetings shall be held on the second and fourth Mondays of each month.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall take effect at the expiration of the terms of the incumbent commissioners.

Approved September 12, 1969.

Time: 7:11 P.M.

Act No. 924

H. 1331—Young

AN ACT

Relating to Randolph County; regulating further the number of Deputy Sheriffs for Randolph County and the salaries to be paid to said Deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Randolph County is hereby authorized to employ three Deputies, and a Jailor. Each Deputy and Jailor shall receive a salary to be fixed by the county governing body up to a maximum of \$400.00 per month and the Chief Deputy shall receive a salary to be fixed by the county governing body up to a maximum of \$500.00 per month. The salary of the Chief Deputy, Jailor and each Deputy shall be paid from the General Fund of the county or such funds as authorized by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:12 P.M.

Act No. 925

H. 1333—Brassell

AN ACT

To authorize and provide for the establishment, maintenance, equipping, operation and financing of a public law library in Russell County; and to provide for the taxing and collection of law library fees as items of court costs in cases docketed in certain courts within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In any case, action or proceeding hereafter filed, whether at law or in equity in the circuit court of Russell County or in the court of common pleas of Russell County, there

is hereby authorized to be charged a tax of \$2.00 which tax shall be in addition to all other court costs heretofore authorized to be charged. The costs taxed under this act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Russell County for deposit in the county treasury. The sums so paid over to the county treasurer or depository shall be maintained in a separate fund in the county treasury, designated as the Russell County law library fund, and shall be expended by the judge of the circuit court of Russell County for establishing, maintaining, equipping, and operating a law library in the courthouse at Phenix City, such funds to be expended, in the discretion of the judge, to provide furniture, fixtures, supplies and equipment for the library, and to keep the same in a good state of maintenance and repair; to establish, enlarge, expand, and improve the library and its facilities and equipment; to provide books, reports and periodicals for the library, and to pay the compensation of such personnel as may be necessary and proper, in the opinion of the judge, to operate the library. Said judge shall be authorized to appoint either the register or the clerk of the circuit court to be librarian. The judge of the circuit court shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this act, and shall indicate on the warrants the fund against which the warrants are drawn. The said items of costs above referred to shall be designated as law library fee. On or before the tenth day of each month, the clerks or other collecting officers of the respective courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees previously to the first day of the month. The management of the law library is vested in the judge of the circuit court of Russell County, and all books, periodicals, reports and personal property purchased with the funds produced by this act shall be the property of Russell County, Alabama; provided, however, that said judge may from time to time sell or exchange such books, reports, periodicals, and personal property as may be necessary to keep said library up to date and apply the proceeds of the sale thereof or the value thereof upon the purchase of other books, reports, periodicals, and personal property for use in said library. The judge may accept any gift or loan of any books, reports, periodicals, and other property for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said judge.

Section 2. The provisions of this act are severable. If

any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on the first day of October 1969.

Approved September 12, 1969.

Time: 7:13 P.M.

Act No. 926

H. 1335—Smith, Bolton

AN ACT

To establish a barber commission in counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census; to define its duties and powers; and to authorize the county governing body to furnish such commission office space, fixtures and clerical assistance; to fix and provide for payment of the compensation of the commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known, designated and cited as the Sanitary Barber Law for counties of 65,000 to 95,000 population.

Section 2. There shall be a barber commission for counties of not less than 65,000 nor more than 95,000 according to the last or any succeeding federal decennial census. The county commission or like governing body of the county shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of the state for five years and of the county for at least three years, and who has had at least five years experience as a barber. One member shall be appointed for a term ending on the last day of August of the year following his appointment, one for a term ending on the last day of August of the second year following his appointment and one for a term ending on the last day of August of the third year following his appointment. Thereafter all members of the barber commission shall be appointed for a term beginning on the first day of September immediately following the expiration of the term of the member whom he succeeds and continuing for three years and until his successor has been appointed and has qualified. There shall be at no time more than one commissioner residing or doing business in any one city, town or village of such county. Vacancies caused by the expiration of the terms of the member (members) of the barber commission, or vacancies caused by any other means, shall be

filled by appointment by the county commission or other like governing body of the county. Before the barber commissioners herein provided for shall receive a commission and enter upon the discharge of their duties, each commissioner shall take and subscribe to the oath provided by law to be taken by elective officers of the state of Alabama before the probate judge of such county. The commission shall be issued and signed by the probate judge. The barber commission shall organize by selecting from its members a chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act.

The county governing body shall furnish the barber commission with such secretarial and clerical assistance, office space, furnishings, and other conveniences as shall be reasonably necessary for carrying out the provisions of this act.

Each of the commissioners shall be entitled to fifty dollars a month as compensation for performance of his duties, which shall be paid from the county treasury.

The barber commission shall have power and authority to advise, consult, and cooperate with officers of the Alabama State Department of Health and the health department of such county on the enforcement of state health laws and regulations relative to barbering.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:14 P.M.

Act No. 927

H. 1337—Harper

AN ACT

To authorize the county governing body of Tallapoosa County to appropriate county funds for the relief of Houston Harper and M. L. McCoy to compensate said persons for certain damages and to pay a certain sum to the estate of Floyd Patterson as a just and moral obligation of the county for which there is no recourse at law.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners or other like governing body of Tallapoosa County is hereby authorized to pay from any funds in the county treasury not otherwise appropriated the following sums for the relief of the following persons to compensate them for personal injuries sustained and for hospital and medical expenses incurred as a result of an accident while such persons were in the employ of the county and engaged in their regular duties, when a tractor owned by the county overturned and injured such persons: to Houston Harper, the sum of \$1,500 and for the remainder of his life \$75.00 per month; to M. L. McCoy, the sum of \$1,500 and for the remainder of his life \$75.00 per month; to the estate of Floyd Patterson, an employee of the county who died as a result of injuries sustained in the same accident, the sum of \$1,500. The accident occurred under such circumstances that the county is justly and morally obligated to pay the damages, but the said Houston Harper and M. L. McCoy and the estate of Floyd Patterson have no recourse at law to recover the same.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:15 P.M.

Act No. 928

H. 1339—Dobbs

AN ACT

Relating to counties having populations of not less than 51,000 nor more than 56,000, according to the most recent federal decennial census; to provide for the compensation of the clerk of the intermediate court if there is such a court in such counties; and to provide further for the compensation of the secretary of the district attorney of the district containing any such counties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 51,000 nor more than 56,000, according to the most recent federal decennial census, where there is an intermediate court the clerk of the intermediate court shall be entitled to a salary of four hundred dollars (\$400) per month to be paid from the general funds of the county, and the secretary of the district attorney of the circuit containing any such county or counties shall, in addition to any salary and other compensation prescribed by law, also be entitled to an additional salary of six hundred dollars (\$600) per annum to be paid in equal monthly installments out of the general fund of the county.

Section 2. All laws, general, special or local, or parts of such laws, which conflict with this act are hereby repealed.

Section 3. This act shall become effective on October 1, 1969.

Approved September 12, 1969.

Time: 7:16 P.M.

Act No. 929

H. 1340—Crawford, Stembridge

AN ACT

Relating to counties having populations of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census; and providing for an expense allowance for the superintendent of education in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 15,000 nor more than 15,300, according to the most recent federal decennial census, the superintendent of education shall be entitled to an expense allowance of not less than fifty dollars (\$50) nor more than four hundred dollars (\$400) per month to be paid from the general funds of the county. The exact amount of such allowance within the range set out above shall be determined by the board of education in each such counties. Such allowance shall be in addition to any other allowance or compensation provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on the first day of the month following its enactment.

Approved September 12, 1969.

Time: 7:17 P.M.

Act No. 930

H. 1343—Owen (Baldwin), Brannan

AN ACT

Relating to counties having populations of not less than 48,500 nor more than 49,500, to provide that the county governing bodies of such counties shall furnish necessary transportation for travel on official business for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or like governing body of any county having a population of not less than 48,500 nor more than 49,500 according to the most recent federal decennial census shall furnish necessary transportation for travel on all official business for the tax assessor, tax collector, and probate judge, providing such officers are on salary basis. Travel on official business as used herein shall include but not be limited to visits to the precincts the tax assessor and tax collector are required by law to make annually.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:18P.M.

Act No. 931

H. 1345—Brannan, Owen (Baldwin)

AN ACT

Relating to counties having populations of not less than 48,500 nor more than 49,500, authorizing the governing body of any such county to appropriate county funds to certain non-profit organizations.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of revenue, court of county commissioners or like governing body of any county having a population of not less than 48,500 nor more than 49,500 according to the most recent federal decennial census is hereby authorized to appropriate a total of not more than \$2,500 to the following non-profit organizations for the purpose of equipment and supplies: County sheriff's radio patrol; county sheriff's flotilla; county search and rescue unit; and county sheriff's posse. The appropriation of \$2,500 hereby authorized shall be apportioned among such organizations at the discretion of the governing body. Payments shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:19 P.M.

Act No. 932

H. 1346—Lemley

AN ACT

Relating to counties having a population of not less than 25,400 and not more than 25,500 and establishing the procedure for the selection of a depository of the funds of the Board of Education of any county to which this act applies and fixing the compensation for the members of the County Board of Education in any county to which this act applies.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 25,400 nor more than 25,500, according to the most recent federal decennial census, the Board of Education of any county to which this act applies shall rotate every four years beginning October 1, 1969, all funds in its possession and under its control so that any state or national bank located in any county to which this act applies shall be treated equally as to said state or national bank being used as a depository of the funds of the Board of Education with rotation every four years beginning October 1, 1969, and such state and/or national bank located in any county to which this act applies will enjoy the deposit of the County Board of Education by rotation every four years.

Section 2. In all counties having populations of not less than 25,400 nor more than 25,500, according to the most recent federal decennial census, the compensation for each member of the County Board of Education shall be One Hundred (\$100.00) per month.

Section 3. The payment of said compensation shall be in the same manner and out of the same funds as now provided by law.

Section 4. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:20 P.M.

Act No. 933

H. 1347—Owens (W)

AN ACT

Relating to counties having populations of not less than 14,300 nor more than 14,800, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing

body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 14,300 nor more than 14,800, according to the most recent federal decennial census, the court of county commissioners, or other like governing body, is hereby authorized to make an annual appropriation from any funds available in the county treasury for such purpose and not otherwise appropriated, to the tax assessor and tax collector for clerk hire allowances. The amount of such annual appropriation shall be within the discretion of such court of county commissioners, or other like governing body.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:21 P.M.

Act No. 934

H. 1348—Owens (W)

AN ACT

Relating to counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census; to authorize the court of county commissioners, or other like governing body, in such counties to make an annual appropriation to the tax assessor and tax collector for clerk hire allowance; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census, the court of county commissioners, or other like governing body, is hereby authorized to make an annual appropriation from any funds available in the county treasury for such purpose and not otherwise appropriated to the tax assessor and tax collector for clerk hire allowances. The amount of such annual appropriation shall be within the discretion of such court of county commissioners, or other like governing body.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:22 P.M.

Act No. 935

H. 1349—Merrill, Burgess, Lybrand

AN ACT

Relating to counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census; providing for the payment by such counties of the salary and expenses of an investigator appointed by the district attorney of the judicial circuits in which such counties are located.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 76,000 nor more than 96,000, according to the most recent federal decennial census, the district attorney of the judicial circuits in which such counties are located may appoint an investigator to conduct investigations of alleged violations of law in the circuit. Such investigator shall be entitled to a salary not to exceed \$5,200 per annum, payable in equal monthly installments, and the necessary expenses incurred in investigations. He shall be furnished an automobile by the county for which he is employed and such county shall pay the expenses thereof. The exact amount of salary shall be fixed by the district attorney, subject to the approval of the governing body of the county.

Section 2. The salary and expenses of the investigator including the expenses of the purchase, operation and maintenance of an automobile shall be paid from the general funds of the county on warrants drawn by the district attorney.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:23 P.M.

Act No. 936

H. 1352—Meade, Beck

AN ACT

Relating to counties having a population of not less than 16,300 and not more than 17,300 according to the last federal decennial census and authorizing the Board of Revenue or other like governing body of such county to appropriate county funds to establish a contingent fund and providing for the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having a population of not less than 16,300 and not more than 17,300 according to the last Federal Decennial Census the Board of Revenue, or other like governing body of such County, may in its discretion, appropriate annually from the public funds of the county an amount not exceeding \$4,000 as a contingent fund from which shall be paid any entertainment or promotional expense incurred for and incidental to the promotion of economic, industrial, or cultural development of the county, and from which shall be paid any other equitable and just claim or claims against the county for which the county is not legally liable but morally and justly obligated, and for recovery of which the claimant or claimants have no recourse at law. Any appropriation so made shall be paid by the county treasury or depository on warrants drawn in such manner as the county governing body may direct. Any unexpended or unencumbered balance in any such contingent fund shall revert to the county general fund at the end of each fiscal year.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:24 P.M.

Act No. 937

H. 1358—Stembridge, Crawford

AN ACT

To divide Houston County into four commissioners' districts for the purpose of electing the members of the county governing body; and to provide for the nomination and election of one member of such body from each district by the qualified electors of the district at the general election in 1970 and every four years thereafter.

Be It Enacted by the Legislature of Alabama:

Section 1. Houston County is hereby divided into four commissioners' districts as follows: District Number 1 shall

embrace and be composed of Beats 1, 2, 4, 5, 6, 7 and 15; District Number 2 shall embrace and be composed of Beat 17 (Wards 1 and 4 in the City of Dothan); District Number 3 shall embrace and be composed of Beat 3 (Wards 2 and 3 in the City of Dothan); and District Number 4 shall embrace and be composed of Beats 8, 9, 10, 11, 12, 13, 14, 16, and 18.

Four persons shall be elected to membership on the county governing body of Houston County at the general election in 1970, and every four years thereafter, one to represent each of the above described districts. Each member shall at the time of his election or appointment and so long as he holds office as a member of such governing body be a resident and qualified elector of the district he represents. He shall be nominated by the qualified electors of the district he represents in the manner prescribed for nominating candidates for other county offices; and he shall be elected by the qualified electors of the district. His term of office shall be for a period of four years beginning on the first Monday after the second Tuesday in January after his election and until his successor has been elected or appointed and has qualified.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:25 P.M.

Act No. 938

H. 1359—Stembridge, Crawford

AN ACT

To abolish the Board of Revenue for Houston County, created by Act No. 599, H. 898, of the Regular Session of 1949, and to relieve the judge of probate of Houston County of his duties, powers, and authority as president and ex officio member thereof; and to create the Houston County Board of Commissioners and the office of chairman of such board; to provide for the election, term of office, qualifications, duties and compensation of the chairman and commissioners; and to constitute such board and the chairman thereof as the governing body of Houston County and invest them with the duties of the governing of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue for Houston County, which is established pursuant to Act No. 599, H. 898 of the Regular Session of 1949 (Acts 1949, p. 931) shall upon the expiration of the term of the incumbent members thereof be abolished. At this same time the judge of probate of Houston County is hereby relieved of his duties, powers and authority as president and ex officio member of such governing body.

Section 2. There is hereby established in lieu of said Board of Revenue for Houston County a new county governing body to be known as the Houston County Board of Commissioners to consist of a chairman and four commissioners. The chairman shall be authorized to vote, however, only in case of a tie.

Section 3. At the general election in November 1970 and every four years thereafter the qualified electors of Houston County at large shall elect a chairman of the board of commissioners. Such chairman shall assume office on the first Monday after the second Tuesday in January after his election and shall hold office for a term of four years and until his successor has been elected or appointed and has qualified. The chairman must be a resident and qualified elector of Houston County at the time of his election or appointment and so long as he holds such office. He may, however, reside anywhere in the county.

Also at the general election in November 1970 and every four years thereafter there shall be elected four members of the commission, one to represent each of the four commissioners' districts into which the County of Houston is divided by an act adopted at this current regular session of the legislature of 1969. Each member of such governing body shall at the time of his election or appointment and so long as he holds office as a member of such governing body be a resident and qualified elector of the district he represents. He shall be nominated and elected by the qualified electors of the district. His term of office shall be for a period of four years beginning on the first Monday after the second Tuesday in January after his election and until his successor has been elected and has qualified.

Section 4. There is hereby conferred upon the Houston County Board of Commissioners and the members and chairman thereof, all of the general authority, power and duties now provided, or which may hereafter be provided to boards of revenue or commissioners courts, under the general laws of the State of Alabama, and amendments thereto not inconsistent with the provisions of this Act, and for the acts of said board equal, several and joint liability are hereby fixed for the members thereof. And in addition to the above duties and powers set out, the members of the board of commissioners and the chairman thereof shall be charged with all the duties and responsibilities and shall have all the powers and authority heretofore had and exercised, pursuant to said Act No. 599 of 1949 by the Board of Revenue of Houston County and the chairman thereof; and they shall be subject to the same pains and penalties.

Section 5. In case of vacancy on the board of commissioners, such vacancy shall be filled by appointment by the Governor of Alabama, and the person appointed shall hold office for the remainder of the term and until his successor has qualified.

Section 6. As compensation for the performance of their duties the chairman of the board of commissioners shall receive a salary of \$9,600 per annum and the commissioners shall each receive a salary of \$4,500 per annum. Such salaries shall be paid in equal monthly or semi-monthly installments as the salaries of other county officers and employees are paid, and shall be paid out of such fund or funds in the county treasury as specified by such board of commissioners. In addition to such salaries the chairman and each commissioner shall also be entitled to receive from the county treasury an expense allowance of seventy-five dollars per month.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:26 P.M.

Act No. 939

H. 1360—Berryman, Graham

AN ACT

Relating to Franklin County; to fix the compensation of members of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the jury commission in Franklin County shall be paid the sum of \$15 per day for the time actually engaged in the discharge of his duties as such member, to be paid out of the county treasury upon the warrant of the probate judge of the county. Such warrants are to be issued by such probate judge upon evidence satisfactory to him that such service has been rendered.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and it is specifically provided that this

Act supersedes Act No. 653, H. 878, Regular Session 1967 (Acts 1967, p. 1475) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:27 P.M.

Act No. 940

H. 1363—Berryman, Graham

AN ACT

Relating to Franklin County; to regulate the compensation of members of the county board of registrars and to provide for payment of additional compensation from the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county board of registrars in Franklin County shall receive fifteen dollars (\$15) per day for each day's attendance upon the session of the board. Of this, ten dollars (\$10) per day shall be paid by the state as prescribed by Act No. 531, S. 101, Regular Session 1947 (General Acts 1947, p. 388), as amended, and the remaining five dollars (\$5) shall be paid from the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and it is specifically provided that this Act supersedes Act No. 565, H. 722, Regular Session 1967 (Acts 1967, p. 1320) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:28 P.M.

Act No. 941

H. 1364—Berryman, Graham

AN ACT

Relating to Franklin County; to regulate and provide for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Franklin County shall each be entitled to ten dollars. The

returning officer shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198 as amended. The several claims of the election officers shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated, on proper proof of service rendered. All amounts paid to election officers under this Act for compensation, per diem or mileage in excess of the amounts prescribed by general laws shall not be reimbursable by the State of Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and it is specifically provided that this Act supersedes Act No. 140, H. 409, Regular Session 1967 (Acts 1967, p. 476), as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:29 P.M.

Act No. 942

H. 1365—Berryman, Graham

AN ACT

Relating to Franklin County; to provide additional expense allowances for members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education in Franklin County shall each be entitled to expenses in the amount of \$17.50 per month. Such allowance shall be in addition to all other allowances for expenses heretofore provided for by law and shall be payable from the public school funds of the county at the end of each month.

Section 2. All laws and parts of laws in conflict herewith are repealed, and it is specifically provided that this Act supersedes Act No. 139, H. 407, Regular Session 1967 (Acts 1967, p. 475), as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:30 P.M.

Act No. 943

H. 1366—Berryman, Graham

AN ACT

Relating to Franklin County; to provide a county supplement to the per diem compensation of members of the county board of equalization.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of equalization in Franklin County shall each be paid out of the general funds of the county a per diem supplement of five dollars for each day such member is engaged in the discharge of his official duties, which shall be in addition to the per diem compensation paid by the state and county as otherwise provided for by law.

Section 2. This act supersedes Act No. 137, H. 405, Regular Session 1967 (Acts 1967, p. 474) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:31 P.M.

Act No. 944

H. 1367—Berryman, Graham

AN ACT

Relating to Franklin County; to regulate the compensation of jurors.

Be It Enacted by the Legislature of Alabama:

Section 1. Jurors, grand and petit, in Franklin County, shall each be entitled to \$10 for each day's service, ten cents for each mile traveled in going to and returning from court, and ferriage and toll, to be proved by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be received in payment of county taxes, and other county dues, and shall be payable out of the county treasury.

Section 2. All laws or parts of laws, general, special or local, in conflict with this Act are hereby repealed, and it is specifically provided that this act shall supersede Act No. 138, H. 406, Regular Session 1967 (Acts 1967, p. 474) as to Franklin County.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:32 P.M.

Act No. 945

H. 1368—Tuck

AN ACT

Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census, may provide for employment of clerical assistance by the tax assessor, whose compensation shall be paid from the county treasury; but the total amount provided the tax assessor shall not exceed \$5,000 a year and shall be payable in monthly installments.

Section 2. All laws or parts of laws, general, local or special in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:33 P.M.

Act No. 946

H. 1369—Tuck

AN ACT

To provide for the annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; and to prescribe the manner of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual salary of the chief deputy sheriff in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census, shall be set by the county governing body at an amount not in excess of \$7,800 per annum. Such salary shall be paid out of such funds in the county treasury as the county governing body designates in equal monthly installments.

Section 2. All laws or parts of laws, general, local or special, in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:34 P.M.

Act No. 947

H. 1370—Tuck

AN ACT

Relating to all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census; to authorize and direct the county governing body of any such counties to allow and pay to the sheriff of said county an amount not in excess of four hundred dollars (\$400.00) monthly for expenses incurred in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census, are, each, hereby authorized and directed to allow and pay to the sheriff of said county an amount not to exceed four hundred dollars (\$400.00) per month for expenses incurred by said sheriff in operation, upkeep, repair and maintenance of his privately-owned automobile used on official business of the county.

Section 2. All laws, or parts of laws, local, special or general, in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:34 P.M.

Act No. 948

H. 1371—Tuck

AN ACT

To provide clerical assistants to the judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, accord-

ing to the most recent federal decennial census; and to provide that their compensation shall be payable out of the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate in all counties having populations of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census, may employ such clerical assistants as he may deem necessary for the efficient performance of the duties required of his office and he shall fix the amount of their compensation which shall be payable from the general funds of the county. The total amount of such compensation shall not exceed \$12,000 per annum, and the exact amount thereof shall be subject to the approval of the county governing body.

Section 2. All laws or parts of laws, general, local or special, in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:35 P.M.

Act No. 949

H. 1372—Tuck

AN ACT

To fix the compensation of the deputy solicitors of all counties having populations of not less than 13,500 nor more than 14,200 according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the deputy solicitor appointed for any county having a population of not less than 13,500 nor more than 14,200, according to the most recent federal decennial census, shall be an annual salary of six thousand dollars (\$6,000), and shall be payable in equal monthly installments from the county treasury.

Section 2. All laws or parts of laws, general, local or special, which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month next following the date of its enactment.

Approved September 12, 1969.

Time: 7:36 P.M.

Act No. 950

H. 1373—Fine

AN ACT

Relating to counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census; to fix the compensation of the chairman and each member of the board of equalization in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 13,700 nor more than 14,300, according to the most recent federal decennial census, the chairman and each member of the board of equalization shall be entitled to fifteen dollars (\$15) for each day's attendance at the meetings of the board as provided by law. The increase in pay provided for by this Act shall be paid from the general funds in the county treasury.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:37 P.M.

Act No. 951

H. 1377—Laxson, Pennington, Jones McLain,
Grainger

AN ACT

Relating to counties having populations of not less than 110,000, nor more than 160,000, according to the most recent federal decennial census; providing for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted, by other than accidental means, upon children under the age of sixteen years; exempting physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in, but only in, counties having populations of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census.

Section 2. All hospitals, clinics, sanitariums, doctors, physicians, surgeons, nurses, school teachers, pharmacists, social workers, or any other person called upon to render aid or medical assistance to any infant, small child, or child or children under 16 years of age, when such infant, small child or child or children under 16 years of age appears to be suffering from starvation or from sexual abuse or attempted abuse or is suffering from or

has sustained any wound or injury which wound or injury appears to be unusual or of such a nature so as to indicate or raise a suspicion, that such wound or injury was caused by physical abuse, child brutality, child abuse, or neglect, such hospital, clinic, sanitarium, doctor, physician, surgeon, nurse, school teacher, pharmacist, social worker, or such other person called upon to render aid or medical assistance to said infant, small child, or child or children under 16 years of age, shall be required to report the same by telephone immediately, followed by a written report to the district attorney of the county wherein the person called upon to render aid to the injured child resides and in addition to the chief of police of the city or city and county, or to the sheriff, if the observation is made in an unincorporated territory, or to the department of pensions and security; provided, however, that a child who is being furnished Christian Science treatment by a duly accredited Christian Science Practitioner shall not be considered a physically neglected child for the purposes of this section. When a report is made to a law enforcement official, such official subsequently shall inform the department of pensions and security of the report so the department can carry out its responsibility to provide protective services to the respective child or children.

Section 3. These reports shall state, if known, the name of the minor, his whereabouts, the names and addresses of the parents, guardian or caretaker, the character and extent of his injuries. The written report shall also contain, if known, any evidence of previous injuries to said child and any other pertinent information which might establish the cause of such injury or injuries, and the identity of the person or persons responsible for the same.

Section 4. Any person, firm or corporation participating in the making of a report pursuant to this act or participating in a judicial proceeding resulting therefrom shall in so doing be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Section 5. The doctrine of privileged communication shall not be a ground for excluding any evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report pursuant to this act.

Section 6. Any person who shall knowingly fail to make the report required by this act shall be guilty of a misdemeanor and shall be punished by a sentence of not more than 6 months or a fine of not more than \$500.00.

Section 7. The provisions of this act are severable. If any part or parts of the act shall be declared unconstitutional or void, such declaration shall not affect the remainder of this act.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:38 P.M.

Act No. 952 H. 1381—Money, Jackson (T), Holman, Weeks,
Meeks, Adwell, Cook (Jefferson),
Sessions, Yeilding, Cherner,
Watkins, Dill

AN ACT

To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, p. 717), establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 497 of the Regular Session of Alabama of 1965 is hereby amended so as to read as follows:

“Section 5. (a) Determining Service Credits. The Pension Board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to one year of service but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the Board allow credit as service for any period of more than a half month’s duration during which the employee was absent without pay. In all such cases the records of the county personnel board and the records of employment of the agency or agencies of the county government employing such person shall be deemed, *prima facie*, to speak the truth. The decision of the Pension Board shall be final.

“(b) Correction of Records On Which Service Credits Are Based. The following words and terms have the meanings hereby ascribed to them: ‘Service record’ means the employee’s record of service upon which the Pension Board bases its determination as to the amount of benefit a person is entitled to receive, including records of the county personnel board and of the employment agency employing such person; ‘employee’ includes an employee and also any beneficiary entitled to a benefit under this system because of his or her relation to an employee belonging to this pension system.

"Subject to the conditions herein prescribed, the Pension Board shall correct any error in an employee's service record which the Pension Board concludes it is necessary to correct to remove an injustice or prevent a person from receiving less or more than the law entitles him to receive as a benefit from this pension system.

"The Pension Board shall adopt written rules prescribing the procedure the Board will follow in considering whether an error in an employee's service record should be corrected, under the provision of this subsection (b).

"The power of the Board to correct an error hereunder shall be subject to the following limitations:

(1) No error in the service record shall be corrected except by the Pension Board.

(2) The Pension Board shall not correct any error in an employee's service record until the Board has accorded, or offered to accord, the employee a hearing regarding the proposed correction, which hearing shall not be conducted until after the employee has received at least two weeks notice of the nature of the proposed correction and of the time and place at which the proposed correction will be considered.

(3) No correction of an error shall be made under this subsection (b) at an employee's request unless the employee files with the Pension Board his written request for such correction before the latter of the following dates: January 1, 1970, or the date one year subsequent to the employee's discovery of the error requested to be corrected; provided, however, the Pension Board may excuse an employee's failure to file such application for correction within one year following his discovery of such error, if the Board finds that excusing such failure would be in the interest of justice.

"(c) If the Pension Board, acting pursuant to the authority vested in it by subsection (b), above, determines that any amount has been erroneously deducted from the salary of an employee and paid into the fund, or that any amount has been otherwise paid into the fund erroneously upon behalf of any employee, such amount shall be refunded to the employee, and any amount which may have been paid erroneously to match the employee's erroneous contribution to the fund shall be refunded to the particular fund from which such matching contribution was paid to the pension system fund. The Pension Board is authorized to determine whether interest shall be payable on any amounts returned, as aforesaid, and to determine the amount of such interest to be paid, if any; provided, however, that no

interest shall be paid to any employee responsible for the error resulting in the erroneous payment."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:39 P.M.

Act No. 953 H. 1382—Watkins, Dill, Adwell, Money,
 Jackson (T), Ellis, Waggoner,
 Holman, Meeks, Weeks, Cook
 (Jeff.), Sessions, Yeilding

AN ACT

TO AMEND SECTION 4 OF ACT NO. 556 OF THE LEGISLATURE OF ALABAMA OF 1959, APPROVED NOVEMBER 19, 1959 (ACTS OF ALABAMA OF 1959, PAGE 1376 ET SEQ.), AS AMENDED, WHICH ACT ESTABLISHED A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR FIREMEN AND POLICEMEN WHO ARE MEMBERS OF ANY PENSION AND RELIEF SYSTEM HERETOFORE ESTABLISHED OR HEREAFTER ESTABLISHED UNDER ACT NO. 929 OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951 (ACTS OF ALABAMA 1951, PAGE 1579, ET SEQ., AS AMENDED).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4 of Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959 (Acts of Alabama of 1959, page 1376, et seq.), as amended, be and said Section 4 is hereby amended to read as follows:

"Section 4. Board of Managers. There shall be a Board of Managers of three members for the administration, management and control of the Supplemental Pension System, including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the President of the governing body of the city, who shall be Chairman of the Board, and two associate members, designated respectively as 'Member No. 1' and 'Member No. 2'. Member No. 1 shall be appointed by the Personnel Board. Member No. 1 shall be a person who at the time of his appointment is, and for a period of five consecutive years immediately preceding his appointment has been an officer of, or the occupant of an executive position with an insurance company issuing annuity policies and policies of disability insurance, the principal place of business of which insurance company is located within the city; provided, however, that if any such person is not available, the Personnel Board in appointing Member No. 1 shall select from the persons available that

person who in the option of the Personnel Board is best qualified to discharge the duties of a member of the Board or managers. Member No. 2 shall be elected from employees belonging to the Supplemental Pension System at an election to be held within sixty days from the date on which this Act becomes effective. The employee receiving a plurality of votes at the election shall be elected. At the first election to be held hereunder employees belonging to the System may vote for a fireman or policeman to hold the position to be occupied by Member No. 2 on the Board. In any election subsequent to the first election, employees voting in such subsequent election shall not vote for any member of the system belonging to the same department (that is fire department or police department, as the case may be) to which the person last elected Member No. 2 for a full term belonged at the time of his election. The purpose of the next preceding sentence is to rotate Member No. 2 between the fire department and the police department of the city. The governing body of the city shall have the authority to prescribe rules and regulations concerning the notice of and conduct of the election to select Member No. 2. Member No. 1 and Member No. 2 shall hold office for a period of four years, with the first term for both commencing on the date on which the first Member No. 1 and the first Member No. 2 have both been selected.

"If the commencement of the actual operation of the system hereby established is delayed, or deferred, as a consequence of the validity of this Act being called in to question in litigation the four year terms of Member No. 1 and Member No. 2 shall not be deemed to begin until the litigation is terminated.

"The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any two members of the Board, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board provided the Secretary shall be present and record the proceeding of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman, or such other place as the Board may designate.

"The personnel director shall be secretary of the Board and shall be present at every meeting of the Board, and keep a record of all proceedings of the Board and of all orders and decisions of the Board. Neither the secretary nor any member

of the Board shall receive any salary or compensation for his services as such except member number one, who shall receive ten dollars for each meeting attended, but not more than twenty dollars for meetings attended in any calendar month. Two members of the Board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed, except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinafter referred to and in bonds of the United States, the State of Alabama and any municipality of Alabama, and in bonds of corporations organized under Federal laws or under the laws of any State of the United States; provided, however, that no funds shall be invested in bonds of private corporations unless such bonds are listed upon exchanges subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate par value of the funds invested in such bonds of corporation last referred to above shall not exceed one third ($\frac{1}{3}$) of the par value of all investments of the fund exclusive of loans to members. In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance or misfeasance in office for habitual neglect of duty. From the fund of the system created by this Act the Board of Managers shall pay to the fund of the General Retirement and Relief System the amounts hereinafter specified. When any fireman or policeman retires on length of service, as is hereinafter provided for in Section 8, the Board of Managers of this system shall pay from the fund of this system the amount specified in the next succeeding sentence during each month between the date on which such fireman or policeman retired

and the date on which he would have been entitled to receive a retirement allowance from the General Retirement and Relief System for thirty years service had he not retired, but had continued to serve without interruption as a member of the General Retirement and Relief System until entitled to receive from said last named system a retirement pension based on thirty years service. During the period specified in the next preceding sentence the Board of Managers created by this Act shall pay each month to the fund of the said General Retirement and Relief System the amount which the City would have deducted from the salary of such fireman or policeman and would have paid into the fund of the General Retirement and Relief System had such fireman or policeman continued to be employed by the City during the period specified in the next preceding sentence at the same salary from which the deductions were made by the City at the time he retired under Section 8 of this Act; provided, however, that if such fireman or policeman dies during the said period the said payments shall cease upon his death.

“At least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall consider the cost of each of the said benefits separately and severally. If the actuary concludes that any reduction in benefits is necessary in order to assure the solvency of the fund, then in his report he shall include his recommendations as to what reductions should be made, to the end that the said Board may make such reductions in benefits as may be required to assure the solvency of the said fund. It is expressly provided that no claim for any benefit provided for by this Act shall be an obligation against the city, or the General Retirement and Relief System, it being the intention and purpose of this Act that the only funds out of which the benefits provided for by this Act will be paid shall be the fund of this pension system which said system is established upon the petition of the firemen and policemen belonging to the said system, with the express understanding on their part that the firemen and policemen and the dependents of firemen and policemen claiming benefits hereunder shall look only to the fund hereby created for the payment of benefits provided and with the full understanding upon the part of said firemen and policemen that the benefits provided

for hereby will be reduced if reduction thereof is required in order to assure the solvency of the said fund. The said actuarial report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary. After the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to the members of the House of Representatives and the Senate designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama. The Board of Managers shall have authority to secure other actuarial studies, investigations and reports at such other times as may seem proper to the Board. From the fund of the system the Board of Managers shall pay the cost of securing any such actuarial reports, surveys or investigations."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:40 P.M.

Act No. 954 H. 1383—Watkins, Adwell, Cherner, Money,
 Jackson (T), Dill, Holman,
 Meeks, Weeks, Cook (Jefferson),
 Sessions, Yeilding

AN ACT

TO AMEND ACT NUMBER 929 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951 (GENERAL ACTS OF ALABAMA 1951, PAGES 1579 ET SEQ.) ENTITLED, "TO CREATE OR PROVIDE IN OR FOR EACH AND EVERY CITY OF THE STATE OF ALABAMA HAVING A POPULATION OF TWO HUNDRED AND FIFTY THOUSAND OR MORE INHABITANTS ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR OFFICERS AND EMPLOYEES OF SUCH CITY AND THEIR WIDOWS AND CHILDREN; TO MAKE THE PROVISIONS OF SUCH SYSTEM RETROSPECTIVE AS WELL AS PROSPECTIVE; AND, SUBORDINATELY, TO DEFINE OFFICERS AND EMPLOYEES OF THE BOARD OF HEALTH OF ANY COUNTY IN WHICH ANY SUCH CITY MAY BE LOCATED AS OFFICERS AND EMPLOYEES OF SUCH CITY FOR THE PURPOSE OF RETROSPECTIVE AND PROSPECTIVE APPLICATION OF THE TERMS OR PROVISIONS ON SUCH SYSTEM."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 16 of Act Number 929 of the Regular Session of the Legislature of Alabama of 1951, approved

September 12, 1951 (General Acts of Alabama 1951, pages 1579 et seq.), entitled, "To create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system," be and said Section 16 is hereby amended to read as follows:

"Section 16. Loans to Employee Members.

"The Board shall have the right to lend to any employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of the employee member to the fund immediately after such loan to exceed fifty percent (50%) of the amount of contributions returnable to him, or those claiming under him, were he to become separated from the service immediately after such loan. Interest on such loan shall be charged at the rate of six per cent per annum. Provided, however, that if an employee member is a fireman or policeman belonging to a Supplemental Pension System established by Act No. 556 of the 1959 Session of the Legislature of Alabama, approved November 19, 1959 (Act of Alabama of 1959, pages 1376 et seq.), the Board shall have the right to lend such employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of such employee member to the fund immediately after such loan to exceed fifty percent (50%) of the aggregate amount of contributions returnable to him, or those claiming under him by provision of this Act and provision of said Act No. 556, were he to become separated from the service immediately after such loan. Interest on such loan shall be charged at the rate of six percent per annum."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:41 P.M.

AN ACT

TO FIX AND PROVIDE FOR THE COMPENSATION OR SALARY OF THE ASSISTANT OR ASSOCIATE JUDGES OF PROBATE IN COUNTIES HAVING A POPULATION OF 600,000 OR MORE, ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL CENSUS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in all counties having a population of 600,000 or more, according to the last or any subsequent federal census.

Section 2. That the Assistant or Associate Judges of Probate of any counties having a population of 600,000 or more, shall receive a salary of Nineteen Thousand, (\$19,000.00) and No/100 Dollars per annum, which salary shall be paid out of the County Treasury of said County in monthly installments as other county officers or employees are paid.

Section 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed. In the event that any clause or provision of this Act is held invalid, such holding shall not affect the remainder.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1971.

Approved September 12, 1969.

Time: 7:41 P.M.

Act No. 956 H. 1385—Watkins, Dill, Money, Jackson (T),
Holman, Meeks, Weeks, Adwell,
Cook (Jeff.), Sessions, Yeilding

AN ACT

TO FURTHER AMEND ACT NO. 497 OF THE REGULAR SESSION OF THE LEGISLATURE OF ALABAMA OF 1965, APPROVED AUGUST 20, 1965, (ALA. ACTS, 1965, P. 717 ET SEQ.), WHICH ACT ESTABLISHED A PENSION SYSTEM FOR OFFICERS AND EMPLOYEES OF JEFFERSON COUNTY.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby provided that Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), as heretofore amended, is hereby further amended so as to read as follows:

“Section 1. Definitions: In this Act words used in the masculine gender shall include the feminine and neuter genders

and words used in the neuter gender shall include the masculine and feminine genders. The following words, terms and phrases, wherever used in this Act, shall have the meaning respectively ascribed to them in this Section unless the context plainly indicates a contrary meaning. (a) The term 'the system' shall mean The General Retirement System for Employees of Jefferson County established by this Act. (b) The term 'the previous retirement systems' shall include the retirement systems established by Act No. 551 of the Legislature of Alabama of 1953, (Ala. Acts, 1953, pages 766 et seq.), as amended, or by Act No. 843 of the Legislature of Alabama of 1961, (Ala. Acts, 1961, pages 1250 et seq.), as amended. (c) The word 'Board' shall mean the Pension Board provided for in this Act to administer the retirement system. (d) The word 'County' shall mean Jefferson County. (e) The word 'employee' shall mean any person employed by the County at a wage or salary payable at regular intervals, including those in the classified service and those not in the classified service according to any civil service system in operation in said County; and provided further, that a person shall be deemed to have been an employee of the County during all the period he served as an employee of a License Inspector prior to the time a retirement system became operative in the County not exceeding twenty (20) years whether such service was under the State of Alabama or under the County; and a person shall be deemed to have been, or to be, an employee of the County while he was serving, or while he shall serve, as the Solicitor of Court of Juvenile or Domestic Relations of the County, the Solicitor of the Jefferson County Criminal Court or as a deputy appointed by the Circuit Solicitor serving in the County; and a person shall be deemed to have been, or to be, an employee of the County while he was serving, or while he shall serve, as an employee of the Cooperative Extension Service of the State of Alabama, provided he was receiving or shall be receiving, monthly compensation from the County for service performed by him as such employee; and any person elected or appointed to a job or position with or for the County, whose compensation was paid, or shall be paid, in whole or in part, by said County, shall be deemed to have been, or to be, an employee of the County while occupying such job or position; provided, however, that the word 'employee' shall not include any person who is appointed or elected as a member of any board or commission of the County the service on which board or commission does not require full time service for the County or the members of which said board or commission receive no compensation except for meetings attended by them. The word "employee" shall also include a person who is regularly employed by the Library Board of the City of Birmingham, whose duties are performed under the direct supervision of the Library Board,

excluding members of such Library Board, and excluding officers elected by the people, and provided that the salary of such person is paid, directly or indirectly, from the public funds of the County. (f) the term 'officer' shall include any person occupying a County office in said County which is created by an Act of Legislature of Alabama, or is provided for by the Constitution of Alabama, and which requires regular full time service for said County, and the Circuit Solicitor serving in the County. (g) The word 'member' shall include any person who is a member of the system provided for by this Act. (h) The term 'paid membership time' shall include the time during which a member made, or shall have made, contributions to the fund of the system or to the fund of either of the previous retirement systems; provided, however, that if a member, on account of the termination of his service or for any other reason, withdraws contributions made by him to any pension fund, the period during which the contributions so withdrawn were made shall be considered as unpaid membership time, unless it is converted to paid membership time as hereinafter provided. Paid membership time shall include any unpaid membership time, as defined in subsection (i) of this Section which the member has converted into paid membership time by paying in to the fund of the system the amount he is required by this Act to pay thereto in order to convert unpaid membership time to paid membership time. Paid membership time shall also include service while one was on authorized military leave of absence from the County, provided, however, the County shall have paid into the fund an amount equal to twice the contributions which the one so absent would have made to the fund if he had not been absent on such leave and if his wages or salary had continued to be the same as he had been earning at the time of his leave. (i) The term 'unpaid membership time' shall include the period during which a member has served, or shall have served, with the County and during which he has not made, or shall not have made, contributions to the fund of the system or to the fund of either of the previous retirement systems. Unpaid membership time shall not include any unpaid membership time after the same has been converted to paid membership time. Unpaid membership time shall also include the time during which a person has been, or shall have been, employed on a full-time job, or position, in the service of any municipality, governmental agency, or subdivision, provided that at the time said person served with such municipality, governmental agency, or subdivision, it was subject to the county-wide civil service law in effect in the county; provided, further, that no service with a municipality, governmental agency, or subdivision, shall be counted as unpaid membership time if the employee has

received a pension from a municipality, governmental agency, or subdivision, on account of such service, or if such service has been considered in determining the amount of a pension allowed, or granted such employee on account of his service with the municipality, governmental agency, or subdivision. A person shall be deemed to have occupied a full-time job, within the meaning of this subsection (i), while he held an elective office or a position in the classified service (civil service). If such prior service (with a municipality, governmental agency, or subdivision) was not an elective office or in a classified position, such prior service shall not be treated as unpaid membership time unless the employee involved establishes to the satisfaction of the Pension Board that such service was on a full-time job. The Legislature hereby makes a legislative declaration as to its intent with respect to the following provision which Act No. 408 of the Legislature of Alabama, 1967 (Ala. Acts, 1967, p. 1034), added to Section 1 of Act No. 497 of the Regular Session of the Legislature, 1965 (Ala. Acts, 1965, p. 717): 'The term 'unpaid membership time' shall also include the time during which a person has been, or shall have been, in the service of any municipality, governmental agency, or subdivision, provided that at the time said person served with such municipality, governmental agency, or subdivision, it was subject to the countywide civil service law in effect in the county.'

It is hereby declared that the term 'in the service of any municipality, governmental agency, or subdivision' employed in the sentence quoted next above, was intended to be limited to a full-time job, and was not intended to include a part-time job. (j) The term 'eight hundred dollar proviso' shall mean the provisions contained in Section 9 of this Act which accord any person who is a member of the system on the effective date of this Act the option to subject to the salary deductions provided for in said Section 9 all salary earned by him from the County not exceeding eight hundred dollars (\$800.00) per month, including salary earned by him prior to exercising such option. (k) Subject to the limitations and conditions hereinafter specified in this subsection (k) the term 'basic average salary' shall mean the average of the monthly salary paid to the member by the County over that period of sixty (60) consecutive months of his paid membership time during which his average monthly salary was higher than any other period of sixty (60) consecutive months of his paid membership time. In determining a member's basic average salary, only that part of his average salary which was, or shall be, subject to deductions for pension purposes under the provisions of Section 9 of this Act shall be considered; provided, however, that if a member elects under the provisions of Section 9 to make the eight hundred dollar proviso apply

retroactively to any period of his service, then for the purpose of determining his basic average salary he shall be deemed to have received during that period to which his said election retroactively applies all salary actually paid him not exceeding salary at the rate of eight hundred dollars (\$800.00) per month. The salary received by a member during his unpaid membership time shall be considered in determining his basic average salary only to the extent that his unpaid membership time has been converted into paid membership time under the provisions of Section 9 of this Act. Separate periods of paid membership time may be tacked and considered as consecutive within the meaning of this subsection (k) if the member does not have in his favor any paid membership time between the periods so tacked."

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:42 P.M.

Act No. 957 H. 1386—Watkins, Dill, Money, Jackson (T),
Holman, Meeks, Weeks, Adwell,
Cook (Jefferson), Sessions,
Yeilding, Cherner

AN ACT

To fix the compensation or salary of the Judges of the Civil Court of Jefferson County and to regulate the payment of the salaries of said Judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Each Judge of the Civil Court of Jefferson County shall receive a total annual salary of Nineteen Thousand and no/100 Dollars (\$19,000.00), which salary shall be paid out of the Jefferson County Treasury as the salaries of other county employees are paid.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall become effective at the beginning of the next term of office of the Judges of said Civil Court of Jefferson County.

Approved September 12, 1969.

Time: 7:42 P.M.

Act No. 958 H. 1387—Watkins, Dill, Money, Holman, Meeks,
Adwell, Cook (Jefferson), Sessions,
Yeilding, Cherner, Weeks

AN ACT

TO PROVIDE FOR THE PAYMENT OF EXPENSE ALLOWANCE FOR COUNTY OFFICERS SERVING IN THE POSITIONS OF DEPUTY TAX ASSESSOR, DEPUTY TAX COLLECTOR, DEPUTY TREASURER IN ALL COUNTIES HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Section 2. The county officers serving the positions of Deputy Tax Assessor, Deputy Tax Collector and Deputy Treasurer in counties having 600,000 population or more, shall be entitled to receive from the County Treasury the sums as expense allowances as follows: the Deputy Tax Assessor, the Deputy Tax Collector, and the Deputy Treasurer shall each receive Fifty (\$50.00) Dollars per month or 10¢ per mile for each mile they drive their personal automobile on official county business, as an expense allowance. Each of the above named officers shall file a letter with the County governing body prior to the beginning of each fiscal year notifying said governing body which of the alternate expense allowances said officer or board member desires. Said sums to be in lieu of an automobile furnished by the county. The expense allowances herein provided shall be in addition to all other compensation and allowances provided for such county officers by general, special or local laws and such expense allowances shall be paid each month in monthly installments on sworn warrants which shall be approved by the Board of County Commissioners, or other county governing body, on any funds in the County Treasury not otherwise appropriated.

Section 3. All laws or parts of laws in direct conflict herewith are hereby repealed.

Section 4. The provisions of this Act are severable, and if any section or part thereof shall be held invalid by a court or competent jurisdictions, such invalidity shall not affect the remaining portions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval of the Governor, or its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:43 P.M.

Act No. 959 H. 1388—Watkins, Dill, Money, Jackson (T),
Holman, Meeks, Weeks, Adwell,
Cook (Jeff.), Sessions, Yeilding,
Cherner

AN ACT

TO AMEND SECTION 10 OF ACT NO. 556 OF THE 1959 REGULAR SESSION OF THE LEGISLATURE OF ALABAMA (ACTS OF ALABAMA, 1959, PAGES 1376, ET SEQ.), AS AMENDED, WHICH ACT ESTABLISHED A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR FIREMEN AND POLICEMEN WHO ARE MEMBERS OF ANY PENSION AND RELIEF SYSTEM HERETOFORE ESTABLISHED OR HEREAFTER ESTABLISHED UNDER ACT NO. 929 OF THE LEGISLATURE OF ALABAMA OF 1951, APPROVED SEPTEMBER 12, 1951, (ACTS OF ALABAMA 1951, PAGE 1579, ET SEQ., AS AMENDED).

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 10 of Act No. 556 of the 1959 Regular Session of the Legislature of Alabama (Acts of Alabama, 1959, pages 1376, et seq.), as amended, be and said Section 10 is hereby amended to read as follows:

“Section 10. It is hereby provided that the provisions of those sections of Act No. 929 hereinafter in this section specified shall apply (except as hereinafter provided) to the Supplemental Pension System in the same manner in which the same provisions of the said sections hereinafter specified apply to the General Retirement and Relief System established by said Act No. 929. The said sections of said Act No. 929 (including any amendments thereof heretofore made) which shall apply, as aforesaid, to this Supplemental Pension System are the following sections of said Act No. 929: Section 15 (entitled Reduction of Allowances); Section 17 (Severance Nominee); Section 19 (entitled Liabilities of Employee Members to Fund); Section 20 (entitled False Representations); Section 21 (entitled Exemptions); Section 22 (entitled Members in Armed Forces); and Section 24 (entitled Repeal and Amendment Reservation); the provisions of Section 18 of Act No. 929, entitled Separation from Service; Return of Contributions; Re-employment and Restoration of Returned Contributions; provided, however, that anything in said Section 18 (or in any other section) of said Act No. 929 to the contrary notwithstanding, contributions made by any deceased employee member to the Supplemental Pension System during his life shall not be

payable to any person if anyone receives any benefit under Act No. 929 or under this Act on account of the death of such deceased employee member. In the event of the death of any such fireman or policeman where no benefits are to be received under Act No. 929 as provided in the last clause of the last preceding sentence, and further where no benefits are payable to his widow or child or children under the Supplemental Pension System, then contributions made by such fireman or policeman to the Supplemental Pension System less one half ($1/2$) of the disability benefits paid such fireman or policeman under Section 7 of said Act No. 556 together with contributions made by such fireman or policeman to the Board of Managers of said General Retirement and Relief System created by said Act No. 929, and which shall be received by the Board of Managers of the Supplemental Pension System by virtue of being designated as severance nominee as provided in Section 9, as herein amended, of said Act No. 556, shall be paid to the severance nominee, if any, designated to receive return of contributions made by such fireman or policeman under the Supplemental Pension System, and if no such severance nominee is designated, then to the relatives of said fireman or policeman as provided in said Section 18 of Act No. 929. In the event pension benefits accrue and will be payable to a widow or child or children under Section 9, as herein amended, of said Act No. 556, creating the Supplemental Pension System, then contributions made to said Board of Managers of said General Retirement and Relief System subject to return shall, anything contained in said Act No. 929 or in the Act creating the Supplemental Pension System to the contrary notwithstanding, be paid to the Board of Managers of the Supplemental Pension System. It is intended that said Section 18 of said Act No. 929 shall be adopted by reference only to the extent that it does not conflict with, nor shall it in any event be applied so as to conflict with or to be contrary to, the provisions of the two last preceding sentences of this Section 10. Anything in this Section 10 to the contrary notwithstanding there shall be no return of contributions to anyone, subsequent to a retirement by a fireman or policeman under Section 8 of said Act No. 556 or a service retirement under said Act No. 929 theretofore made to the Supplemental Pension Fund by such fireman or policeman so retired. Any contributions, returnable to anyone hereunder shall be reduced by the amount of any unpaid indebtedness due to either or both this Supplemental Pension Fund and a Pension Fund established under the provisions of said Act No. 929 by the employee member making such contributions and there shall be paid by this Supplemental Pension System to said Pension Fund established under said Act 929 the amount of any unpaid indebtedness due it by such

employee member and not payable from contributions made by such member to the pension fund under said Act No. 929 because of the insufficiency of the amount of such returnable contributions.

Section 2. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:43 P.M.

Act No. 960 H. 1390—Watkins, Dill, Money, Ellis, Jackson
(T), Waggoner, Holman, Meeks,
Weeks, Adwell, Cook (Jefferson),
Cherner, Sessions, Yeilding

AN ACT

TO PROVIDE FOR THE PAYMENT OF EXPENSE ALLOWANCES FOR COUNTY OFFICERS SERVING IN THE POSITION OF A MEMBER OF THE BOARD OF EQUALIZATION AND ADJUSTMENTS IN ALL COUNTIES HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DE-CENNIAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Section 2. The county Officers serving the positions of a Member of the Board of Equalization and Adjustments in counties having 600,000 population or more, shall be entitled to receive from the County Treasury the sums as expense allowances as follows: Each Member of the Board of Equalization and Adjustments, shall receive Fifty dollars (\$50.00) per month or ten (10) cents a mile for each mile they drive their personal automobile on official county business as an expense allowance. Each of the Board members shall file a letter with the County governing body prior to the beginning of each fiscal year notifying said governing body which of the alternate expense allowance said Board member desires. The expense allowances herein provided shall be in addition to all other compensation and allowances provided for such county officers by general, special or local laws and such expense allowances shall be paid each month in monthly installments on sworn warrants which shall be approved by the Board of County Commissioners, or other county governing body, on any funds in the County Treasury not otherwise appropriated.

Section 3. All laws or parts of laws in direct conflict herewith are hereby repealed.

Section 4. The provisions of this Act are severable, and if any section or part thereof shall be held invalid by a court or competent jurisdiction, such invalidity shall not affect the remaining portions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval of the Governor, or its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:44 P.M.

Act No. 961 H. 1391—Watkins, Money, Jackson (T), Dill,
Holman, Meeks, Weeks, Adwell,
Cook (Jeff.), Sessions, Yeilding

AN ACT

To amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama, 1965, approved August 20, 1965 (Ala. Acts 1965, p. 717) as heretofore amended, which Act establishes a pension system for officers and employees of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama, 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717), as heretofore amended, is hereby further amended so as to read as follows:

“Section 10. Retirement for Superannuation. (a) Within the meaning of this Section 10 two (2) periods of service shall be deemed to be consecutive if the latter period of service commences within ninety (90) days of the termination of the earlier period of service.

“Anything herein to the contrary notwithstanding, no pension shall be payable hereunder, based upon length of service, unless the person receiving the pension shall have been in the service of the County for three (3) consecutive years immediately preceding his retirement; provided, however, that the requirement of three (3) consecutive years service, immediately preceding retirement, shall not apply to any member who retired, or became eligible for retirement, under this Act prior to the adoption of the provision imposing the said requirement of three (3) consecutive years service immediately preceding retirement.

"When any member of the retirement system established by this Act has not less than ten (10) years paid membership time, as defined in Section 1 of this Act, and has attained the age of sixty (60) years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory.

"Subject to the limitation stated in the sentence next following this sentence, it is hereby provided that any member who has attained the age of fifty-five (55) years on January 1, 1962, and has made contributions to the system for a period of not less than five (5) years, and has attained the age of sixty (60) years shall be eligible for retirement for superannuation but such retirement shall not be compulsory. After September 1, 1969, the provision of the next foregoing sentence shall not apply to any person except one who prior to said date shall have retired or become entitled to retire under the said provision.

"Any member shall be eligible for retirement for superannuation upon the completion of thirty (30) years or more of service with the County, at least ten (10) years of which shall be paid membership time; provided, however, that if at the time of retirement such member has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof, shall be reduced as hereinafter provided. Any member who is eligible for retirement and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself, or, in the event he is mentally or physically incapacitated, by someone acting in his behalf, upon application to be filed in the office of the Pension Board.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which pension will commence at the time hereinafter stated; provided, however, that no member shall be entitled to such pension unless he pays into the fund of the system between the date of his retirement and the date on which the pension will commence the amounts hereinafter specified. The term 'deferred pension', as used herein, means the pension provided for in the next foregoing sentence. If a member be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which years shall be paid membership time, and if he shall make the payments to the fund of the system hereinafter prescribed, payment of his deferred pension shall commence upon that date of the

two following dates which first comes: (1) The date on which he attains the age of sixty (60) years; or (2) the date on which he would have completed thirty (30) years' service with the County, if instead of retiring he had continued in the service of the County; provided, however, that if at the time payment of the deferred pension commences he has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof shall be reduced as hereinafter provided. No person shall be entitled to receive the deferred pension unless he pays to the fund of the system, between the date of his retirement and the date on which payment of the deferred pension is to commence, the amount hereinafter prescribed. In order to be entitled to receive the deferred pension, the member, during the period specified in the next foregoing sentence, shall pay to the retirement fund before the last day of each calendar month the sum of the following amounts: (1) The amount which would have been deducted from his salary and paid into the fund of the system during the month if he had continued to be employed by the County at the same salary he was earning on the date of his retirement; and (2) the amount which the County would have paid to the system during the month to match his salary deduction for the month, if he had continued to be employed by the County at the same salary he was earning on the date of his retirement. In order to become entitled to the deferred pension a member so retired shall make the payments prescribed in the next foregoing sentence not later than the time prescribed in said sentence; but he may make all or any part of said payments in advance of the time prescribed in the said sentence.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated twenty (20) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which shall commence upon his retirement if he is then as much as fifty-five (55) years of age, and if he is less than fifty-five (55) years of age when he retires the payment of such pension shall commence upon his attaining the age of fifty-five (55) years. In order for a member to be entitled to the deferred pension provided for in the next foregoing sentence it shall not be necessary that any payments to the retirement fund be made by him for any period following his involuntary retirement.

"No person shall be entitled to receive a deferred pension if his separation from the service of the County was due to his

misappropriation of funds or property of the County, or to moral delinquency on his part.

“(b) Benefits. If upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

(1) One and three-fourths percent ($1\frac{3}{4}\%$) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

(2) One percent (1%) of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus

(3) One-half of one percent ($\frac{1}{2}$ of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time.

“In computing the amount of benefits under the foregoing formula, the Board may disregard a fractional part of a year of paid membership time or unpaid membership time less than one-twelfth ($\frac{1}{12}$ th).

“If a member shall have completed at least thirty (30) years service, ten (10) of which shall be paid membership time, but shall have not attained his sixtieth (60th) birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly benefits determined in accordance with the formula set forth above by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding date of his retirement.

Age of Member on Last Birthday Preceding Retirement	Reduced Pension on Account of Retirement Before Age 60 Expressed as a Percentage of the Pension Which Would Have Been Payable at Date of Retirement If the Member Were Then Age 60
59	93%
58	87%
57	82%
56	77%
55	72%
54	68%
53	64%
52	60%
51	57%
50	54%
49	51%
48	48%

Section 2. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:44 P.M.

Act No. 962 H. 1393—Watkins, Dill, Money, Jackson (T),
Holman, Meeks, Weeks, Adwell,
Cook (Jefferson), Sessions,
Yeilding

AN ACT

TO FURTHER AMEND ACT NO. 497 OF THE LEGISLATURE OF ALABAMA OF 1965, APPROVED AUGUST 20, 1965 (ALA. ACTS, 1965, p. 717 ET SEQ.), WHICH ESTABLISHED A PENSION AND RETIREMENT SYSTEM FOR OFFICERS AND EMPLOYERS OF JEFFERSON COUNTY.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717 et seq.), as heretofore amended, is hereby further amended so as to read as follows:

“Section 11. Joint Survivorship Pension Option.

“(a) The purpose of this Section 11 is to enable a member to provide for his widow or other dependents by accepting in lieu of the normal pension provided for by Section 10, above, a Joint Survivorship Pension payable so long as the member or his dependent lives. The Joint survivorship Pension shall be in an amount less than the amount payable under said Section 10. The amount of the monthly income under this option shall depend upon several factors including the age and sex of the member and of the dependent named. By written request of any member filed with the Pension Board within the time specified in the next succeeding sentence, and upon compliance with such further conditions as may be set forth by the Pension Board and as may be applicable to the particular request, any member may elect to receive the joint Survivorship pension in lieu of the pension provided for in Section 10, above. Such written application shall be filed with the Pension Board at least one year prior to the date of the applicant's actual retirement; provided, however, that such application may be filed within ninety (90) days from the effective date of this sentence in this subsection (a), even though filed less than one year prior to the date of the applicant's actual retirement.

"Following a member's retirement he shall be entitled to receive the pension provided for him in his Joint Survivorship Option. Under the Joint Survivorship Option the monthly payments provided for thereby will be paid to the member, or to the dependent designated by such member, provided his dependent survives after the death of the member; and the payments will terminate with the last monthly payment preceding the second death. Under the Joint Survivorship Option no benefit shall be payable to a dependent of a member in the event the member dies prior to the date on which he becomes eligible and entitled to retire and receive a pension, unless the member has made the prepayment provided for in subsection (b), below. It is provided, however, that if a member serves until he becomes eligible and entitled to receive a pension, the pension provided for his dependent under the Joint Survivorship Option shall be payable to the dependent following such member's death, if the dependent survives, irrespective of whether the member retired prior to his death or remained in the service until his death.

"The amount of payments to members and the amount of payments to dependents under the Option shall be such amounts as shall be determined from tables or schedules adopted and published, from time to time, by the Pension Board after the Board has considered the opinions and recommendations of an actuary or actuaries. The amounts paid under said Option shall be the actuarial equivalents of the pension provided for by Section 10.

"(b) The word 'prepayment', as used in this subsection (b), means a member's payment at the time herein specified to the retirement fund of the sum of money which this subsection (b) requires that he pay to the fund in order to entitle his widow or other dependent to receive the allowance under a Joint Survivorship Option if he dies prior to becoming entitled to retire and receive a pension. The term 'eligible date', as herein used in this subsection (b), shall mean the date on which a member becomes eligible to retire and receive the pension provided for in Section 10, or, in case of his death before that time, the term 'eligible date' shall mean the date on which he would have become eligible to retire and receive a pension had he lived and continued in the employ of the County.

"A member shall make the prepayment when he elects to obtain the Joint Survivorship Option. The election cannot be made without prepayment in full. The prepayment, required to be made by a member to the retirement fund as aforesaid, shall be an amount equal to the sum of the following: (1) The salary deductions which the member would pay to the retire-

ment fund between the date of such election and his eligible date if he remained in the service of the County continuously between the two dates at the same compensation as is payable to him at the time the election is made; and (2) contributions which would be paid into the retirement fund by the County, under Section 9 of the Act, between the two last mentioned dates to match the member's salary deductions if he remained in the service of the County as aforesaid.

"The provisions of this subsection (b) shall apply to any member of the system who has accumulated as much as twenty-five (25) years service with the County, at least ten (10) of which shall be paid membership time, and who elects to make prepayment. Such election may be made at any time after the member has the service prescribed in the next foregoing sentence; provided, however, the Board may limit the time within which such election can be made following the member's accumulating the prescribed service. Such election shall be irrevocable. The election shall be made by the prepayment and by the member executing such instrument as may be prescribed by the Pension Board.

"The prepayment provided for in this subsection (b) shall be in lieu of the salary deductions and matching contributions by the County (required by Section 9 to be paid to the retirement fund) for and during the period between the date of the member's election to accept the Joint Survivorship Option and his eligible date; and during that period the deductions from the member's salary and the matching contributions required of the County, by Section 9 of the Act, shall cease. If a member remains in the service of the County subsequent to his eligible date, then the salary deductions and the matching contributions of the County, required by Section 9 of the Act, shall be resumed, commencing on his eligible date; provided, however, that for salary deductions and benefits payable after a member's prepayment he shall not be deemed to earn any monthly salary in excess of the monthly salary payable to him at the time of his prepayment; and provided, further, that any portion of his salary required by any provision of this Act to be excluded from his salary for any purpose under this Act shall continue to be excluded.

"Upon the retirement of a member who has made prepayment he shall receive the pension provided for in his Joint Survivorship Option. Upon the death of a member who has made such prepayment, whether his death occurs before or after his eligible date, his widow or dependent shall receive the pension as provided for in his Joint Survivorship Option; provided,

however, that in no event shall any pension to his widow or dependent commence before his eligible date.

“(c) Any change made in this Section 11 by the amendment thereof during the 1969 Regular Session of the Legislature of Alabama shall not impair or affect in any way the right of any person which became vested by and through his exercise of the Joint Survivorship Option prior to said amendment.”

Section 2. This Act shall become effective upon its approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:45 P.M.

Act No. 963 H. 1394—Watkins, Dill, Money, Jackson (T),
Holman, Meeks, Weeks, Adwell,
Cook (Jeff.), Sessions, Yeilding,
Cherner

AN ACT

To fix the compensation or salary of the Judges of the Criminal Court of Jefferson County and to regulate the payment of the salaries of said judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Each judge of the Criminal Court of Jefferson County shall receive a total annual salary of Nineteen Thousand and no/100 Dollars (\$19,000.00), which salary shall be paid out of the Jefferson County Treasury as the salaries of other county employees are paid.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall become effective at the beginning of the next term of office of the judges of said Criminal Court of Jefferson County.

Approved September 12, 1969.

Time: 7:45 P.M.

Act No. 964 H. 1395—Dill, Watkins, Cherner, Money,
Holman, Meeks, Weeks, Adwell,
Cook (Jeff.), Sessions,
Yeilding

AN ACT

To fix the compensation or salary of the deputy probate judges or assistant judges of probate of any branch office of the Probate Court in counties having a population of 600,000 or more, according to the last or any subsequent federal census, and to provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

SECTION I: This act shall apply in all counties having a population of 600,000 or more, according to the last or any subsequent federal census.

SECTION II: That the deputy probate judges or assistant judges of probate of counties having a population of 600,000 or more shall receive a salary of \$12,000.00 per annum, which salary shall be paid out of the County Treasury of said County in equal monthly installments.

SECTION III: That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SECTION IV: This act shall become effective on the first Monday after the second Tuesday in January, 1971.

Approved September 12, 1969.

Time: 7:46 P.M.

Act No. 965

H. 1396—Watkins, Dill, Cherner, Money,
Holman, Meeks, Weeks, Adwell,
Cook (Jeff.), Sessions,
Yeilding, Waggoner

AN ACT

TO FIX THE COMPENSATION OR SALARY OF THE REGISTER OF THE CIRCUIT COURT IN ALL COUNTIES HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUCCEEDING FEDERAL CENSUS AND TO PROVIDE FOR THE PAYMENT THEREOF.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply in all Counties having a population of 600,000 or more, according to the last or any subsequent Federal Census.

SECTION 2. That the Register of the Circuit Court in such Counties shall receive a salary of Fourteen Thousand, Five Hundred and no/100 Dollars (\$14,500.00) per annum, which said salary shall be paid out of the County Treasury of such County in equal monthly installments.

SECTION 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 4. This Act shall become effective at the beginning of the next term of office of such Registers of the Circuit Court.

Approved September 12, 1969.

Time: 7:46 P.M.

Act No. 966

H. 1397—Dill, Watkins, Cherner, Money,
Jackson (T), Holman, Meeks,
Weeks, Waggoner, Adwell,
Cook (Jefferson), Sessions,
Yeilding

AN ACT

To provide for the compensation to be paid the Deputy District Attorney who is elected by the people, and the Assistant Deputy District Attorney, in counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same and to provide the date when said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census, there shall be paid to the Deputy District Attorney, who is elected by the people, of each said county from the general treasury of the county in equal bi-monthly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Deputy District Attorney, the same will make the total annual salary of each such Deputy District Attorney Sixteen Thousand Dollars (\$16,000.00). The increase in salary provided in this Section 1 shall become effective on the first Monday after the second Tuesday of January, 1971, this being the beginning of the next term of said Deputy District Attorney.

Section 2. In each county of the State of Alabama, having a population of six hundred thousand or more according to the last or any succeeding decennial federal census there shall be paid to the Assistant Deputy District Attorney of each said county from the general treasury of the county in equal bi-monthly installments such an annual salary as that when added to the annual salary payable by the State of Alabama to each such Assistant Deputy District Attorney, the same will make

the total annual salary of each such Assistant Deputy District Attorney Twelve Thousand Dollars (\$12,000.00).

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:47 P.M.

Act No. 967 H. 1398—Watkins, Dill, Money, Jackson (T),
Ellis, Waggoner, Holman, Meeks,
Weeks, Adwell, Cook (Jeff.),
Sessions, Yeilding, Cherner

AN ACT

To amend Act No. 91, H. 63, First Extra Session 1964 (Act 1964, Page 124), an act fixing the salary of a certain deputy circuit clerk of the tenth judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 91 H. 63 First Extra Session 1964 (Acts 1964, Page 124), an act fixing the salary of a certain deputy circuit clerk of the tenth judicial circuit, as hereby amended to read as follows:

“Section 1. The salary of the Deputy Circuit Clerk created under Title 13, Section 199 of the Code of Alabama 1940, for the division of the tenth judicial circuit described therein, is hereby fixed at Fourteen Thousand Five Hundred (\$14,500.00) Dollars per annum, payable in equal monthly installments. The salary provided for herein shall be the entire compensation of the Deputy Circuit Clerk, in lieu of all other compensation.”

Section 2. This Act shall become effective on the first Monday after the second Tuesday in January, 1971.

Approved September 12, 1969.

Time: 7:47 P.M.

Act No. 968 H. 1399—Watkins, Money, Holman, Meeks,
Weeks, Adwell, Cook (Jefferson),
Cherner, Sessions, Yeilding, Dill

AN ACT

TO PROVIDE FOR THE PAYMENT OF EXPENSE ALLOWANCE FOR COUNTY OFFICERS SERVING IN THE POSITIONS OF TAX ASSESSOR, TAX COLLECTOR, TREASURER, PROBATE JUDGE, AND MEMBERS OF THE COUNTY BOARD OF REGISTRARS IN ALL COUNTIES HAVING A POPULATION OF 600,000 OR MORE ACCORDING TO THE LAST OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of 600,000 or more according to the last or any subsequent federal decennial census.

Section 2. The county officers serving the positions of Tax Assessor, Tax Collector, Treasurer, Probate Judge, and Members of the County Board of Registrars in counties having 600,000 population or more, shall be entitled to receive from the County Treasury the sums as expense allowances as follows: the Tax Assessor, the Tax Collector, the Treasurer, the Probate Judge, and the members of the Board of Registrars shall each receive Fifty (\$50.00) Dollars per month or 10¢ per mile for each mile they drive their personal automobile on official county business, as an expense allowance. Each of the above named officers and Board members shall file a letter with the County governing body prior to the beginning of each fiscal year notifying said governing body which of the alternate expense allowances said officer or board member desires. Said sums to be in lieu of an automobile furnished by the county. The expense allowances herein provided shall be in addition to all other compensation and allowances provided for such county officers by general, special or local laws and such expense allowances shall be paid each month in monthly installments on sworn warrants which shall be approved by the Board of County Commissioners, or other county governing body, on any funds in the County Treasury not otherwise appropriated.

Section 3. All laws or parts of laws in direct conflict herewith are hereby repealed.

Section 4. The provisions of this Act are severable, and if any section or part thereof shall be held invalid by a court or competent jurisdictions, such invalidity shall not affect the remaining portions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval of the Governor, or its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:48 P.M.

Act No. 969

H. 1400—Meeks, Holman, Money, Weeks,
Adwell, Ellis, Cook (Jeff.),
Sessions, Yeilding, House,
Gloor

AN ACT

To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the President of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census, is hereby fixed at Twenty Three Thousand Dollars (\$23,000.00) per annum, payable in equal monthly installments, and the salaries of the members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census, other than the President thereof, is hereby fixed at Twenty Two Thousand Dollars (\$22,000.00) per annum, payable in equal monthly installments.

Section 2. The salary of the said President of the County Commission, or other governing body, and the members of the County Commission, or other governing body, other than the President thereof, now in effect shall remain the same until the expiration of the present term of their offices and the salary provided for in this Act shall take effect at the beginning of the next term of office of such officers.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

This Act shall become effective on the first Monday after the second Tuesday in January, 1971.

Approved September 12, 1969.

Time: 7:48 P.M.

Act No. 970 H. 1404—Hobbie, Harris, McElhaney, Springer,
Cameron

AN ACT

To amend Section 1 of Act Number 432, House Bill 937, Regular Session, 1961 Legislature of Alabama, as amended by Act Number 28, Senate Bill 101, Special Session, 1966, Legislature of Alabama; an act

to regulate the office of Sheriff in counties of more than 150,000 population and less than 300,000 population according to the last Federal census or any subsequent Federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 1 of Act Number 432, House Bill 937, Regular Session, 1961 Legislature of Alabama, as amended by Act Number 28, Senate Bill 101, Special Session, 1966 Legislature of Alabama to read as follows:

The Sheriff in every County in which this Act applies shall be paid an annual salary of \$12,000.00 net in lieu of all other compensation, fees and emoluments, except as otherwise provided in this Act. The Sheriff shall be allowed such number of deputies, clerks, wardens, jailers, and other assistants as may be determined by the Sheriff with the approval of the Court of county commissioners, board of revenue, or other like governing body of the county. In counties having merit or civil service systems, the selection and appointment of such deputies, clerks, wardens, jailers, or other assistants shall be made by the Sheriff from the merit system roster; provided, the chief deputy sheriff shall be appointed by the sheriff independently of said roster and serve at the pleasure of the sheriff. In counties that do not have merit or civil service systems, the appointment of deputies and other assistants shall be made by the sheriff of the county as he sees fit. The compensation of such deputies, clerks, wardens, jailers, and other assistants shall be fixed by the merit system board of the county, if any, according to the scale of wages as fixed by the merit board; but in counties that do not have merit systems, their compensation shall be fixed by the governing body of the county.

In addition to the compensation for the sheriff as hereinabove fixed, in counties under this Act having a court of common pleas, or courts of like jurisdiction, the sheriff shall be allowed the further sum of five hundred dollars per month for his ex officio services and for his attendance upon the sessions of the court of common pleas, or courts of like jurisdiction in the county. The sheriff shall also be allowed the necessary expenses, not to exceed one hundred fifty dollars per month, incurred in apprehending criminals or other law violators and returning prisoners from other states, to be approved by the board of revenue or other like governing body of the county.

All payments provided for in this section shall be paid monthly out of the general fund of the county.

Section 2. This act shall become effective January 16, 1971.

Approved September 12, 1969.

Time: 7:49 P.M.

Act No. 971

H. 1405—Springer

AN ACT

To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in Counties having a population of not less than 150,000 nor more than 300,000 persons, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Clerk of the Circuit Court or Register of the Circuit Court in Equity in counties having a population of not less than 150,000 nor more than 300,000 persons,

(a) Who has served for 14 years as such official in any of the counties of Alabama who has become permanently and totally disabled to serve as such official while in office, upon proof of such disability being made by certificates of three reputable physicians; or,

(b) Who has served for 17 years or more as such official for any county of Alabama and who is not less than 60 years of age, may elect to become a Supernumerary Clerk of the Circuit Court or Supernumerary Register of the Circuit Court in Equity, of the county in which he has served as such official by filing a written declaration to that effect with the judge, or other authority, responsible for appointing such Register in Equity or Clerk of the Circuit Court to office, at least 30 days prior to the time he desires to become a Supernumerary official. If such appointing authority shall find that such applicant is qualified either under subdivision (a) or (b) hereinabove set forth, a commission as Supernumerary Clerk of the Circuit Court or Register in Equity of such court for the county in which he has served, shall thereupon be issued to such applicant by such appointing authority. A clerk may count time served as deputy clerk, register or deputy register and a register may count the time served as deputy register, clerk or deputy clerk in determining the total time served, unless such official held the offices of clerk and register at the same time. The provisions of this act shall apply only to those persons who are in office at the time of the passage of this act or who may thereafter become eligible under its provisions.

Section 2. Such Supernumerary Clerk or Register of the Circuit Court in the various counties of the State of Alabama

shall take the oath of office prescribed for Clerks and Registers of the Circuit Courts in this State and if a vacancy shall occur in the office of Clerk or Register in the county in which a Supernumerary Clerk or Register holds his Commission, the appointing authority shall immediately appoint one such Supernumerary from the county in which such vacancy occurs, if the appointing authority determines that there is one or more such Supernumerary in such county suitably qualified, and such Supernumerary so appointed shall immediately assume and exercise all of the duties, powers and authority of such official in said county until a permanent successor is appointed or otherwise selected. All fees and commissions which may become due while such supernumerary is so acting shall be paid into the county general fund, and the salaries of the employees in such office shall be paid by the county governing body during such period.

Section 3. Every such Supernumerary official shall serve for life and receive in equal monthly installments on the first of each month an annual salary of 30 percent of the average yearly compensation he received from every source because of his official position for the past four years as such official, said supernumerary salary not be less than Two Thousand Four Hundred Dollars (\$2,400.00) nor more than Forty-five Hundred Dollars (\$4,500.00) per annum and paid from the general fund of the county.

Section 4. The governing body of each county in which the Clerk of the Circuit Court or the Register of such court, in equity, is paid a salary, shall begin deducting upon the effective date of this act and month thereafter from the salaries of such officials an amount equal to 4 percent of the monthly salary paid such official up to Fifteen Thousand Dollars (\$15,000.00). Such sum shall be deducted monthly and paid into the general fund of the county. If such officials are compensated by fees and commissions, each such official, upon the effective date of this act and annually thereafter shall pay to the general fund of the county an amount equal to 4 percent of the total sum up to Fifteen Thousand Dollars (\$15,000.00) of all fees and commissions collected during the preceding twelve months as compensation as such official. Such compensation shall include all fees and commissions from any and all sources because of his official position. If any person subject to the provisions of this Act shall end his tenure of office prior to becoming supernumerary as provided herein, an amount equal to one-half ($\frac{1}{2}$) of the amount paid by him into the county general fund under the provisions of this section, shall be repaid to him. In the event such person shall die in office prior to becoming supernumerary, such sum shall be paid to his estate.

No official shall be eligible to become supernumerary unless two years payments as provided by this section have been paid. However, any official who otherwise qualifies may become eligible upon the passage of this act, by paying in a lump sum an amount equal to 4 percent of his compensation up to Fifteen Thousand (\$15,000.00) Dollars during the past two years of office.

Section 5. Every official covered by this act shall be subject to the terms thereof unless he notifies the county governing body of his county in writing to the contrary thirty days prior to the effective date of the act or within thirty days after assuming office if he is not in office on such date.

Section 6. That all laws, parts of laws in conflict herewith are expressly repealed.

Section 7. This Act shall take effect February 1, 1970.

Approved September 12, 1969.

Time: 7:49 P.M.

Act No. 972 H. 1407—Higginbotham, Brassell, Turnham
AN ACT

Relating to counties having populations of not less than 49,500 nor more than 50,500; providing further for law enforcement in such counties; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated as the sheriff's fund; and providing for the use of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties in this state having populations of not less than 49,500 nor more than 50,500, according to the most recent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177 shall be five dollars, which shall be collected by the sheriff.

Section 2. One dollar from each fee for the issuance of a pistol permit as provided herein shall be deposited in the county treasury to the credit of the general fund, and the remaining four dollars from each such fee shall be deposited by the sheriff of the county in any bank located in the county, into a fund known as the sheriff's fund. All checks drawn on such fund shall be signed by the sheriff and countersigned by a member of the county governing body, designated by such governing body for such purpose.

Section 3. The sheriff's fund as provided in Section 2 of this Act shall be drawn upon by the sheriff of the county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit.

Section 4. The establishment of the sheriff's fund as provided in this Act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office in any county to which this Act applies.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:50 P.M.

Act No. 973

H. 1409—Holladay

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama so as to annex certain territory to the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the City the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

All of Section 31, Township 16, Range 4 East, except the West Half of the Southwest quarter; and SW $\frac{1}{4}$ of NW $\frac{1}{4}$; all that part of Section 30 lying South of the South right-of-way line of Interstate I-20; and all that part of Section 29 lying South of South right-of-way line of Interstate I-20 and West of Cropwell-Greensport public road (also known as Spanish Gardens road); and all that part of Section 32 lying West of Cropwell-Greensport public road, all in Township 16, Range 4 East. Also Section 6, less and except W $\frac{1}{2}$ of W $\frac{1}{2}$; SE $\frac{1}{4}$; S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$

thereof. The E $\frac{1}{2}$ of W $\frac{1}{2}$ of Section 7. The N $\frac{1}{2}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 5, less and except that part lying East of Seddon Creek. Section 4 lying South of Seddon Creek, less and except that portion lying below the 466 foot contour elevation line forming shore line of Logan Martin Lake, all in Township 17, Range 4 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:50 P.M.

Act No. 974

H. 1416—Cook (Jefferson), House, Dill,
Yeilding, Cherner, Money,
Gloor, Watkins, Waggoner,
Holman, Weeks

AN ACT

To amend further Act No. 421, H. 932, Regular Session, 1957 (Acts 1957, p. 587), an act authorizing the appointment of an assistant to the Sheriff for the Bessemer Division of Jefferson County, in relation to the salary of said assistant.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 421, H. 932, Regular Session, 1957 (Acts 1957, p. 587), as amended, an act authorizing the appointment of an assistant to the Sheriff for the Bessemer Division of Jefferson County, is hereby further amended to read as follows:

“Section 3. That said assistant to the Sheriff shall be paid an annual salary of Fourteen Thousand Dollars (\$14,000.00) to be paid out of the County Treasury as the salaries of other county employees are paid.”

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:50 P.M.

Act No. 975

H. 1419—Hain, Blanton

AN ACT

To provide a method for issuing motor vehicle license tags by mail in counties having a population of not less than 55,000 nor more than 60,000 according to the last or any subsequent federal decennial census by any Judge of Probate or License Commissioner charged with the duty of issuing such license tag.

Be It Enacted by the Legislature of Alabama:

Section 1. Each judge of Probate and License Commissioner in any county having a population of not less than 55,000 nor more than 60,000 according to the last or any subsequent federal decennial census charged with the duty of issuing motor vehicle license tags may, with the approval of the county governing body, issue such license tags by mail, using the United States Post Office, or its successor, upon the written application of a resident-owner of such motor vehicles signed by such owner requesting the Judge of Probate or License Commission to issue the same by mail.

Section 2. Such Judge of Probate or License Commissioner issuing motor vehicle license tags under the provisions of this act shall collect, prior to issuing the same, all taxes, fees and other charges as may be required by law to be collected by the Judge of Probate, Tax Collector, License Commissioner or such other official charged with the duty of collecting taxes, fees and other charges on motor vehicles and motor vehicle license tags, and he shall remit the same to such official charged by law with the duty of collecting such taxes, fees and other charges for distribution in accordance with law; and in addition thereto the Judge of Probate or License Commissioner shall collect a mailing fee of \$1.00 which he shall pay over to the county to the credit of the general fund.

Section 3. All costs of such mailing service conducted under the provisions of this act shall be paid by the county governing body, including forms, supplies, postage and such clerical help as might be required.

Section 4. Any Judge of Probate or License Commissioner issuing license tags under the provisions of this act shall be authorized to sign the assessment sheet or such other tax form as might be necessary on behalf of the taxpayer and such taxpayer shall be bound thereby as if he had signed the same in person.

Section 5. Any motor vehicle owner making written request for mail services under the provisions of this act shall be deemed to have appointed the United States Post Office Department, or its successor, as his agent for purposes of delivery of such license tag, and the license tag shall be presumed to have been issued to the applicant on delivery, postage prepaid, to a

United States Post Office, or its successor, by the Judge of Probate or License Commissioner issuing the same.

Section 6. Each Judge of Probate and License Commissioner electing to issue motor vehicle license tags under the provisions of this act may prescribe such rules and regulations for application of such license tags as he may deem reasonably necessary and may also issue notices to prior year owners by mail with prepared application forms stating the amount of taxes, fees, and other charges due.

Section 7. The provisions of this act are permissive and shall not be construed to require any Judge of Probate or License Commissioner to issue motor vehicle license tags by mail, nor shall it be construed to require any county governing body to approve the issuance of motor vehicle license tags by mail, except that without such approval no such issuance authority shall exist.

Section 8. The provisions of this act are cumulative and shall not repeal any special or local law in conflict herewith.

Section 9. Any delay in issuing motor vehicle license tags by mail under the provisions of this act shall be deemed to be the delay of the applicant.

Section 10. This act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 7:51 P.M.

Act No. 976

H. 1420—Blanton, Hain

AN ACT

Relating to the Fourth Judicial Circuit; providing for a supplemental salary to be paid from Dallas County funds to the associate circuit judge residing in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county revenues of Dallas County, or other like governing body of said county, is hereby authorized, empowered and directed to supplement the salary paid by the State of Alabama to the associate judge of the Fourth Judicial Circuit residing in Dallas County, in such an amount as to make the total salary of such judge eighteen thousand dollars (\$18,000) per annum. Such supplement shall be paid in equal monthly installments out of the general fund of the

county in the same manner as other county officers are paid. The supplemental salary herein provided for shall become effective at the expiration of the term of the incumbent judge.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:52 P.M.

Act No. 977

H. 1426—Cook (Jefferson), Dill, Sessions,
Yeilding, Money, Weeks,
Watkins, Gloor, House, Meeks,
Waggoner, Bowers, Adwell

AN ACT

To fix the compensation or salary of the Sheriff of all counties having a population of Six Hundred Thousand (600,000) or more according to the last or subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Sheriff of all counties having a population of Six Hundred Thousand (600,000) or more according to the last or any subsequent federal census is hereby fixed at Nineteen Thousand and No/100 Dollars (\$19,000.00) per annum, payable in equal monthly installments. The salary provided for herein shall be the entire compensation of the Sheriff, in lieu of all other compensations. All fees, commissions, percentages and allowances collectible out of the Sheriff shall be collected and paid into the general fund of the county.

Section 2. The salary of said Sheriff now in effect shall remain the same until the expiration of the present term of office of such Sheriff and the salary provided in this Act shall take effect at the beginning of the next term of office of such Sheriff.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective on the first Monday after the second Tuesday in January, 1971.

Approved September 12, 1969.

Time: 7:52 P.M.

Act No. 978

H. 1427—Pennington

AN ACT

To amend further Code of Alabama 1940, Title 39, Section 184, as amended in order to allow state banks to close for additional holidays, and to authorize the closing of such banks on the Saturday following a holiday which falls on a Friday.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 39, Section 184 as amended is amended further to read as follows:

“Section 184. Sunday, Christmas Day, New Year’s day, Robert E. Lee’s birthday, George Washington’s birthday, Thomas Jefferson’s birthday, Mardi Gras, Confederate Memorial day, Jefferson Davis’ birthday, the Fourth day of July, Labor day, Columbus day and Fraternal day, Armistice day, and the day designated by the governor for public thanksgiving, shall each be deemed a holiday. If any holiday falls on Sunday, the Monday following is the holiday. The superintendent of banks, with the concurrence of not less than two members of the state banking board, may authorize any state bank to close on National Memorial Day, May 30, and on such other days as may be declared by the governor to be state holidays in honor of a special event. In the event any authorized state holiday falls on a Friday, the superintendent of banks may authorize the Saturday following that Friday to be a holiday. The superintendent may also authorize the closing of banks at 12:00 noon on the day prior to Christmas Day, and the day prior to New Year’s day, if such days fall on business days.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:53 P.M.

Act No. 979

H. 1530—Cameron

AN ACT

Relating to cities having a population of not less than 100,000 nor more than 200,000 according to the last or any succeeding federal census; providing for the planning, design, location, financing by the issuance of revenue bonds, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, leasing to others, and fostering by such cities of off-street automobile parking facilities in such cities; to exempt from taxation such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; and to provide that such bonds shall be legal investments for banks and insurance companies organized under laws of this State.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby determined and declared that in cities having a population of not less than 100,000 nor more than 200,000, according to the last or any succeeding federal census, that the free circulation of traffic of all kinds through the streets of said cities within this state is necessary to the health, safety and general welfare of the public; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in streets of said municipalities; that the parking of motor vehicles in the streets has contributed to this congestion; that such congestion prevents the free flow of traffic in, through and from such municipalities, impedes the rapid and effective fighting of fires and disposition of police force, threatens irreparable loss in the values of urban property within said cities which can no longer be readily reached by vehicular traffic and endangers the health, safety and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by provisions of sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this act is hereby declared to be a public necessity. This act shall apply only to such cities.

Section 2. Each city within the State of Alabama having a population of not less than 100,000 nor more than 200,000, according to the last or any succeeding federal census, is hereby authorized and empowered to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, and to manage said property and to develop any undeveloped property owned, leased or controlled by such city for the purposes hereinafter set out; to execute such contracts and other instruments and to take such other action as may be necessary and convenient to carry out the provisions of this act or to exercise the power granted hereunder; to plan, establish, acquire, construct, enlarge, improve, maintain, and equip parking facilities; to lease or let

such facilities or any one or more of them to such tenant or tenants for such term, or terms, at such compensation or rental as the council or other governing body may from time to time direct; to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; to pledge for payment of such bonds any revenues or funds from which such bonds are made payable; to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes authorized by this act; to make and enforce rules and regulations governing the use of any parking facilities owned or controlled by said city; to cooperate with the State, any county, city, town, public corporation, agency, department or political subdivision of the State, and to make such contracts with them or any of them as the council or other governing body may deem advisable to accomplish the purpose of this act; to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, from the State, any department or agency thereof and any political subdivision thereof and to receive and accept money, property, labor or other things of value from any source whatsoever; and to do any and all things necessary or convenient for the exercise of any power herein granted.

Section 3. Each such city is hereby specifically authorized to and shall lease any said parking facilities constructed under the provisions of this act; provided, however, that prior to leasing any such parking facility the council or other governing body must determine and find the following: the amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance such project; the amount necessary to be paid each year into any reserve fund which the council or other governing body may deem it advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility or facilities; and, unless the terms under which the project is to be leased provide that the lessee shall maintain the project and carry all proper insurance (including liability insurance) with respect thereto, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured. The lease agreement shall provide for the payment of rentals based on such findings and determinations as are sufficient (a) to pay the principal of and interest on the bonds issued to finance the parking facility; (b) to build up and maintain any reserves deemed by the council or other governing body to be advisable in connection therewith; (c) unless the agreement of lease obligates the lessee to pay for the maintenance and proper insurance (including

liability insurance) of the parking facility, to pay the cost of maintaining the parking facility in good repair and keeping it properly insured. The council or other governing body of any such city shall not be authorized to operate parking facilities constructed under the provisions of this act unless there is a default in payment of rent which has remained unpaid after ten days written notice of such default. In such an event the lease may be terminated and the city may operate such facility until such time as another suitable tenant can be obtained, and that said city shall diligently seek another suitable tenant, and shall not operate the facility for a longer period than the 12th legislative day of the next ensuing regular session of the legislature, after default. After the bonds have been retired and the indebtedness against the parking facility has been paid in full, the council or other governing body of any such city is hereby authorized and shall sell and convey its interest in said facility upon such terms or conditions as may be adopted by such council or other governing body.

Section 4. The principal of and interest on any bonds issued under this act shall be secured by a pledge of and shall be payable solely from revenues and receipts derived from the facilities constructed, in whole or in part, with the proceeds from the sale of said bonds, and may be secured by a mortgage covering all or part of any project or projects from which the revenues so pledged may be derived, and may be secured by a pledge of the lease of such project. The proceedings under which such bonds are authorized to be issued or any such mortgage may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting the fixing and collection of rents for any project covered by such proceedings or mortgage, the terms to be included in the lease of such project, the maintenance and insurance of such project, the creation and maintenance of special funds from the revenues from such project, and the rights and remedies available in event of default to the bond holders or to the trustee under a mortgage, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this act; provided, however, that in making any such agreement or provisions a city shall not have the power to obligate itself except with respect to the project and the application of the revenues and receipts therefrom and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers. The proceedings authorizing any bonds hereunder and any mortgage securing such bonds may provide that in the event of default in payment of the principal of or the interest on such bonds or in the performance of any agreement

contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues and receipts from the project in accordance with such proceedings or the provisions of such mortgage. Any such mortgage may provide also that in the event of default in such payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed either by sale at public outcry or by proceedings in equity, and may provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge under its general credit or against its taxing powers.

Section 5. Any bonds issued hereunder and at any time outstanding may at any time and from time to time be refunded by any such city by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding any amount sufficient to refund the principal of the bonds so to be refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable, or if they are called for redemption, prior to the date on which they are by their terms subject to redemption. Any refunding bonds issued under the authority of this act shall be payable solely from the revenues and receipts out of which the bonds to be refunded thereby were payable, and shall be subject to the appropriate provisions of this act.

Section 6. The proceeds from the sale of any bonds issued under authority of this act shall be applied only for the purpose for which the bonds were issued; provided, however, that any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold; and provided, further, that if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal

of or the interest on said bonds. The cost of acquiring any project shall be deemed to include the following: the actual cost of the construction, including architect's and engineer's fees; the purchase price of any part of a project that may be acquired by purchase; all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition; and the interest on such bonds for a reasonable time prior to construction, during construction, and for not exceeding six months after completion of construction.

Section 7. Any such city subject to the provisions of this act may pay out of its general funds or otherwise contribute any part of the costs of acquiring a project, and may use land already owned by the municipality, or in which the municipality has an equity, for construction thereof of a project; and the municipality may accept donations of property to be used as a part of any project and money to be used for defraying any part of the cost of any project, provided, however, that where revenue bonds are issued, or to be issued, such city shall make no contribution of money or property nor obligate itself to make any contribution of money or property which would cause such bonds to be debts within the meaning of Section 225 of the Constitution of the State of Alabama or bonds within the meaning of Section 222 of the Constitution of the State of Alabama; provided, further, that in the exercise of the powers granted in this section such city shall not take any action in violation of Section 94 of the Constitution of Alabama.

Section 8. Bonds issued under the provisions of this act shall be legal investments for banks and insurance companies organized under the laws of this state.

Section 9. The bonds authorized by this act and the income therefrom, all mortgages executed as security therefor, all lease agreements made pursuant to the provisions hereof, and all projects and revenues derived from any lease thereof shall be exempt from all taxation in the State of Alabama.

Section 10. Neither this act nor anything herein contained shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under any laws of this state, but shall be construed as cumulative; and this act shall not be construed as requiring an election by the voters of a municipality prior to the issuance of bonds hereunder by such municipality unless required by the Constitution of the State of Alabama.

Section 11. If any section, provision, or clause of this act shall be declared invalid or unconstitutional, such declaration shall not affect the part or parts which remain.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:53 P.M.

Act No. 980

S.J.R. 88—Givhan

SENATE JOINT RESOLUTION

WHEREAS the entire staff of the Legislative Reference Service has performed meritoriously in serving the members of the Legislature; and

WHEREAS in innumerable instances these services have been rendered at a personal sacrifice on the part of the members of the Reference Service Staff each of whom has gone far beyond the usual call of duty in an effort to supply the information and bills requested by the Legislature; and

WHEREAS the Legislative Reference Service has, by virtue of individual performances manifesting an extraordinary devotion to duty, kept abreast of a staggering workload during the absence of its late and beloved Director Charles M. Cooper, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend to each member of the Legislative Reference Service our sincere thanks and hardy congratulations for their inestimable contribution to the legislative process here in Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the acting Director of the Legislative Reference Service.

Approved September 12, 1969.

Time: 7:54 P.M.

Act No. 981

S.J.R. 90—Engel, McDermott

SENATE JOINT RESOLUTION

WHEREAS Sam M. Johnston of Mobile, one of the most distinguished members of the bar of this state, died August 14, 1969 at the age of 78; and

WHEREAS Mr. Johnston was president of the Alabama State Bar Association in 1940-1941, and was an effective lawyer, participating in leading cases in Mobile County, for more than forty years.

WHEREAS Mr. Johnston worked for many years in politics, serving as a member of the state Democratic Executive Committee, and was one of the architects of the "Dixiecrat" movement in 1948; and

WHEREAS Mr. Johnston served his state and community in many organizations, and in many important posts, including that of trustee of Alabama College at Montevallo; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Sam M. Johnston, and express our deepest sympathy to his family:

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the family of Mr. Johnston.

Approved September 12, 1969.

Time: 7:54 P.M.

Act No. 982

S.J.R. 91—Engel, McDermott

SENATE JOINT RESOLUTION

WHEREAS the State of Alabama suffered a distinct loss in the recent death of Mrs. C. M. A. Rogers of Mobile, wife and mother of former members of this legislature. Mrs. Rogers was not only devoted to her family but she was a person of wide interests and many talents. She was a dedicated civic worker and club woman. She was honored as First Lady of the Year in Mobile in 1948, twenty-five years after moving to Mobile with her husband. Mrs. Rogers was particularly noted for her work in the development of the Y. W. C. A. and for her role in St. Paul's Episcopal Church. In 1955, she was elected to the board of trustees of Mobile Infirmary and was secretary of the board from 1959 to 1969. She was instrumental in the establishment of the Mobile Infirmary Auxiliary and was named first vice president at its opening in 1951. She organized its gift shop in 1952, and, as its chairman, promoted its successful operation. Mrs. Rogers was a former president of Mobile's Junior League and gave unstintingly of her time and talents to each of its worthwhile activities; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

note with profound sorrow the passing of Mrs. C. M. A. Rogers, a most gracious and beloved lady who generously contributed so much to her City and State. We extend our deepest sympathy to the members of the Rogers family, to whom copies of this resolution shall be sent.

Approved September 12, 1969.

Time: 7:55 P.M.

Act No. 983

S.J.R. 92—McDermott, Pelham, Engel

SENATE JOINT RESOLUTION

WHEREAS, Hurricane Camille, which struck the Gulf Coast on the night and early morning of Sunday and Monday, August 17 and 18, 1969, is already considered the most deadly storm ever to strike the United States mainland, and

WHEREAS, while the Mississippi Gulf Coast has borne the brunt of this devastating hurricane, yet the Mobile County-Baldwin County area in southwest Alabama experienced terrific winds, rains and tidal flooding, inflicting property damage estimated in the millions of dollars and causing a monumental chore of restoring utility services, maintaining order and traffic control, prevention of looting, clearing streets, highways and other areas of downed trees, fallen wires and other debris, as well as the maintenance of lines of communications before, during and after the actual impact of the storm for the information of concerned citizens, and

WHEREAS, the exemplary and dedicated efforts of those involved in this work, such as utilities employees, law enforcement personnel (including deputy sheriffs in Mobile and Baldwin Counties, Alabama National Guardsmen, Alabama State Troopers, City of Mobile police officers and police officers of other municipalities), personnel in the street departments of Mobile and other cities, and those associated with radio, television and newspaper organizations have combined and contributed to hold to a minimum the loss experienced by these Alabama residents, to restore the vital services interrupted by the storm, and at all times to keep the public informed of the dangers it faced and the information it needed in order to cope properly with these dangers, now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, that we express the appreciation of the people in these affected areas of our State, through this body, to these dedicated men and

women who have labored without rest, away from their families, for many long hours in this time of public peril and need.

Approved September 12, 1969.

Time: 7:55 P.M.

Act No. 984

S.J.R. 93—Skidmore

SENATE JOINT RESOLUTION

WHEREAS The Honorable Snow Hinton has been chosen by the people of the City of Tuscaloosa to serve as their mayor for the ensuing term; and

WHEREAS this body feels that the people of Tuscaloosa have chosen wisely and well, and have an able and dedicated leader in these troubled times; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our heartiest congratulations to Mayor Hinton, and express our hope that his administration will be the greatest in the long and colorful history of the City of Tuscaloosa.

Approved September 12, 1969.

Time: 7:55 P.M.

Act No. 985

S. 5—Harris

AN ACT

To amend further Code of Alabama 1940, Title 52, Section 495, which relates to meetings of the board of trustees of the University of Alabama, in relation to the places of such meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 52, Section 495, as amended, is further amended to read as follows:

“Section 495. The board of trustees shall meet at least once in each year, and on the first Wednesday in June, unless some other day is selected by them, and they may, by ordinance or resolution adopted by them, prescribe other regular times for meeting. At such meeting they may continue in session as long as they may deem proper for the welfare of the institution, and may at any session appoint a special or adjourned meeting. Upon the written application of four members, or of any three members with his concurrence, the president pro tempore shall appoint a special meeting, and issue notice thereof to the several

members; but such special meeting shall not be appointed for a day less than seven days subsequent to the date of the notice. In case there is no president pro tempore of the board, or in case he is incapacitated to act, then the governor, as president of the board, shall upon the written application of four members, in like manner call such special meeting. Regular meetings of the board must be held at the university, but special or adjourned meetings may be held at the university or in the city of Montgomery, the city of Birmingham, or the city of Huntsville."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:56 P.M.

Act No. 986

S. 77—Cooper, Leonard, Radney, Turner,
Givhan, Harris, Jackson, Vacca,
Pierce

AN ACT

TO CREATE THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS; TO PRESCRIBE THE POWERS OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS; TO PROVIDE FOR THE ISSUANCE OF LICENSES FOR NURSING HOME ADMINISTRATORS; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT AND RULES AND REGULATIONS PROMULGATED THEREUNDER.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this act, unless otherwise stated, the following terms shall have the respective meanings hereinafter set forth or indicated:

(a). "Board" means the board of examiners of nursing home administrators of the state of Alabama.

(b). "Examiner" means a member of the board of examiners of nursing home administrators of the state of Alabama.

(c). "Secretary" means the secretary of the board of examiners of nursing home administrators of the state of Alabama.

(d). "Nursing home administrator" means any individual who is charged with the general administration of a nursing home whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals.

(e). "Provisional license" is a temporary license issued to a provisional nursing home administrator by the board of examiners of nursing home administrators.

(f) "Provisional nursing home administrator" means an individual who has been issued a provisional license by the board of examiners of nursing home administrators of the state of Alabama.

(g). "State licensing board for the healing arts" means the board created by Act No. 106, H. 150, approved August 26, 1959 (Acts of Alabama, 1959, Vol. 1, p. 592).

(h). "practice of nursing home administration" means the planning, organizing, directing, and control of the operation of a nursing home.

(i). "Nursing home" means any institution or facility defined as such for licensing purposes under state law.

Section 2. Administrator license required. Effective July 1, 1970, no nursing home in the state may operate unless it is under the supervision of an administrator who holds a currently valid nursing home administrator's license, or provisional license, issued by the board of examiners of nursing home administrators. No person shall practice or offer to practice nursing home administration in this state or use any title, sign, card or device to indicate that he is a nursing home administrator, unless such person shall have been duly licensed as a nursing home administrator or as a provisional nursing home administrator. Provided, however, that in the event a nursing home administrator dies, unexpectedly resigns, becomes incapacitated, or has his license revoked, the person or persons then responsible for the management of the nursing home shall immediately notify the board of examiners of nursing home administrators and the agency issuing the nursing home license, and shall be allowed a reasonable period of time, in accordance with policies adopted by the board, to be established by the agency issuing the nursing home license, not to exceed one hundred eighty (180) days from the date of the death, unexpected resignation, incapacitation, or revocation of the license of the nursing home administrator in which to replace the said administrator. During said reasonable period of time, the board may issue an emergency permit to a person performing the functions of administrator in such nursing home without being in violation of the provisions of this Act.

Section 3. Function of the state licensing board for the healing arts relating to nursing home administrators. The state licensing board for the healing arts shall not have any juris-

diction over the issuance of licenses to nursing home administrators.

Section 4. Membership, terms and appointment to board.

(a). There shall be a board of examiners of nursing home administrators, which board shall, prior to July 1, 1975, be composed of nine (9) members as follows: five (5) members shall be nursing home administrators duly licensed and registered under this act, except that such members of the initial board shall be required only to possess the qualifications and be eligible for licensure are required under this act; two (2) members shall be physicians licensed under the laws of the state of Alabama who are actively concerned in their practice with the care of chronically ill and infirm, aged patients; one (1) member shall be a hospital administrator; and one (1) member shall be a pharmacist duly licensed under the laws of the state of Alabama. On July 1, 1975, and thereafter the board shall consist of eleven (11) members and the two (2) additional members shall be nursing home administrators duly licensed under this act. All members of the board shall be citizens of the United States and shall be residents of this state.

(b). Three (3) members of the initial board shall be appointed for a one (1) year term of office; three (3) members of the initial board shall be appointed for a two (2) year term of office; and three (3) members of the initial board shall be appointed for a three (3) year term of office. Thereafter, the term of office of each member of the board shall be three (3) years. The two (2) additional members of the board to be appointed on July 1, 1975, shall be appointed for three (3) year terms of office. No member shall serve more than two (2) consecutive full three (3) year terms.

(c). Appointments to the board for those positions to be held by nursing home administrators shall be made by the governor from a list of three (3) nominees for each position to be submitted to the governor by the Alabama nursing home association; the appointment to the board of the members for the positions to be held by physicians shall be made by the governor from a list of three (3) nominees for each position to be submitted by the board of censors of the medical association of the state of Alabama; the appointment to the board of the member for the position to be held by a hospital administrator shall be made by the governor from a list of three (3) nominees to be submitted to him by the Alabama hospital association; and the appointment to the board of the member for the position to be held by a licensed pharmacist shall be made by the governor from a list of three (3) nominees to be submitted to him by the Alabama pharmaceutical association.

(d). The governor may remove any examiner for misconduct, incapacity, incompetence, or neglect of duty after the examiner so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three (3) consecutive meetings of the board within a calendar year, without cause acceptable to the governor and the board shall be deemed cause for removal of any examiner.

(e) Any vacancy created by the death, resignation, or removal of any examiner shall be filled by the governor, by appointment for the unexpired term, in the same manner as he is required by this act to make appointments.

(f). Each member of the board shall receive a per diem fee of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) to be determined by the board for the time spent in the performance of his official duties and in necessary travel and shall be reimbursed for all proper travel and incidental expenses as provided by the laws of the state of Alabama and by regulations of the state personnel director incurred in carrying out the provisions of this act. In setting the per diem fee, the board shall give due consideration to funds which are available for such purpose.

(g). The board shall hold four (4) or more meetings a year. A majority of the member of the board shall constitute a quorum at any meeting except as provided in section 13 of this act. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in section 13 of this act. Meetings may be called by the chairman or by a majority of the members of the board. Members shall be given seven (7) days written notice of all meetings.

(h). The board shall annually elect one of its members to serve as its chairman, and he shall be elected at the first meeting of the board held after the first day of October of each year, and shall serve until the first meeting held after the first day of October of the following year. The board shall also annually elect one of its members to serve as its vice-chairman, and he shall be elected at the first meeting of the board held after the first day of October of each year, and he shall serve until the first meeting held after the first day of October of the following year. In the event of the death, resignation, or removal of the chairman from the board, the vice-chairman shall succeed said chairman for the remainder of his unexpired term; and in the event of the death, resignation or removal of the vice-chairman from the board, or in the event of his succeeding to the office of chairman, his successor shall be elected by the board to fill

the remainder of his unexpired term as vice-chairman. The chairman of the board, and in his absence, the vice-chairman, shall preside at all meetings of the board. The chairman of the board may appoint a secretary to the board with the consent of the members of the board who shall serve at the pleasure of the board. The secretary's salary shall be fixed by the board and he shall be the executive officer to the board but shall not be a member of the board. He shall have such powers and shall perform such duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and secretary in the keeping of the records and in the performance of their duties may be appointed by the board subject to the provisions of the merit system.

Section 5. Functions and duties of the board.

(a) It shall be the function and duty of the board to: (1) develop, impose and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(2) develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) issue licenses to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(4) receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(5) establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards; and

(6) conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for

the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

(b). The board shall have the authority to:

(1) make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in Section 1908 of the Social Security Act, Federal Rules and Regulations promulgated thereunder, and other pertinent federal authority; and

(2) establish, provide, or approve various education programs or courses for nursing home administrators, and to prescribe rules and regulations requiring applicants for licenses as nursing home administrators to attend such programs or courses as a pre-requisite to their being admitted to the examination or issued a license, and requiring licensed nursing home administrators to attend such programs or courses as a pre-requisite to their being issued any license renewal.

Section 6. Advisory council. The governing body of the Alabama nursing home association shall constitute an advisory council to the board of examiners of nursing home administrators, and the board of examiners of nursing home administrators shall be required to counsel with the advisory council in connection with the administration of the provisions of this act.

Section 7. Qualifications for admission to examination. The board shall admit to examination for licensure as a nursing home administrator any candidate who submits evidence of good moral character and suitability prescribed by the board; and who submits evidence to the board that he is at least twenty-one (21) years of age, a citizen of the United States, or that he has duly declared his intention of becoming a citizen of the United States, that he is a high school graduate or has completed an educational program equivalent thereto, and that he has completed any additional educational requirements prescribed by the board. Each candidate shall also be required, prior to admission to the examination, to pay an examination fee of one hundred dollars (\$100.00).

Section 8. Examinations. (a) The board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content, and format of such examinations which in any examination shall be the same for all candidates; provided, however, that such examina-

tions shall include examination of the applicant to demonstrate his proficiency in the rules and regulations of health and safety. The examination provided for herein shall consist of both written and oral questions.

(b). Examinations shall be held at least four (4) times each year, at such times and places as the board shall designate.

Section 9. Licenses. (a) An applicant for a license as a nursing home administrator who has (1) successfully complied with the educational and training requirements of this act and of the rules and regulations of the board promulgated under this act, and

(2) qualified for and passed the examination provided for in this act, shall be issued a license on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws, rules, and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

(b). (1) The Board shall issue a provisional license to any individual applying therefor who (a) has served as a nursing home administrator during all of the calendar year immediately preceding July 1, 1970, and (b) meets the standards of the board and of this act relating to good character, suitability, age, and citizenship, and (c) prior to the issuance of such provisional license, pays a provisional license fee of fifty dollars (\$50.00).

(2) Such provisional license shall terminate at midnight on June 30, 1972, and shall be cancelled and be of no legal force or effect thereafter; provided, however, that if, prior to the expiration of such provisional license, such provisional nursing home administrator shall have passed a qualifying examination as required by the board, a nursing home administrator's license shall be issued to him.

(3) A provisional license or extensions thereof may not be issued to any persons after June 30, 1972.

(c). The state board of health, with the concurrence of the board of examiners of nursing home administrators, shall provide or arrange for the provision of, during all of the period of time in which provisional licenses are in effect, a program of training and instruction designed to enable all provisional nursing home administrators to attain the qualifications necessary for a license as a nursing home administrator. The board of examiners of nursing home administrators may approve programs conducted within and without this state sufficient to meet education and training requirements establishing pursuant

to this act. For the purposes of this subdivision, the state board of health shall have the authority to receive and disburse federal funds received pursuant to Section 1908 (e) (1) of the Social Security Act for the purpose of providing programs of training and instruction for provisional nursing home administrators.

Section 10. Reciprocity. The board, in its discretion, and otherwise subject to the provisions of this act and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a nursing home administrator license, may issue a license to a nursing home administrator who has been issued a license by the proper authorities of any state, or issued a certificate of qualification by any national organization, upon payment of a fee of one hundred dollars (\$100.00), and upon submission of evidence satisfactory to the board: (a) that such other state or national organization maintained a system and standards of qualification and examinations for a nursing home administrator license or certificate which were substantially equivalent to those required in this state at the time such other license or certificate was issued by such other state or national organization; and (b) that such other state give similar recognition and endorsement to nursing home administrator licenses of this state.

Section 11. Renewal of licenses. (a) Every individual who holds a valid current license as a nursing home administrator issued by the board under this act shall immediately upon issuance thereof have the right and privilege of acting and serving as a nursing home administrator, and of using the abbreviation "N.H.A." after his name. Thereafter, such individual shall biennially be required to make application to the board for a renewal of his license and report any facts requested by the board on forms provided for such purpose.

(b). Upon making application for a renewal of his license such individual shall pay a biennial renewal fee of ten dollars (\$10.00), and, at the same time, shall submit evidence satisfactory to the board that during the biennium immediately preceding such application for renewal he has complied with the requirements of the board concerning the continuation of education of nursing home administrators.

(c). Upon receipt of such application for renewal of license, the renewal fee and the evidence with respect to continuing education, the board shall issue a license renewal to such nursing home administrator.

(d). A nursing home administrator who has been duly licensed in this state, whose license shall not have been revoked

or suspended, but who has not secured timely biennial renewals of his license because he has temporarily abandoned the practice of nursing home administration, or has removed from the state, or for such other reason, may renew his license within the state upon complying with the provisions of this section for applications for renewal, and also, filing with the board an affidavit of such facts. Provided, however, that the board may, in its discretion, require an examination for such an applicant who has not held a valid license in this state for five years or longer.

(e). The board shall maintain a register of all applications for licensing of nursing home administrators, which register shall show the following information on each applicant: residence, name, age, the name and address of his employer or business connection, the date of application, educational and experience qualifications, action take by the board, serial numbers of licenses issued to the applicant, and the date on which the board acted on or reviewed the application.

(f). The board shall publish biennially a list of all persons holding current licenses issued by the board.

Section 12. Penalties. (a). It shall be a misdemeanor for any person to:

(1) sell or fraudulently obtain or furnish any license or aid or abet therein; or

(2) to practice as a nursing home administrator under cover of any license illegally or fraudulently obtained or unlawfully issued, or

(3) practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator unless duly licensed to so practice under the provisions of this act, or

(4) practice as a nursing home administrator or use in connection with his or her name any designation tending to imply that he or she is a nursing home administrator during the time his or her license issued under the provisions of this act, shall be expired, suspended, or revoked, or

(5) otherwise violate any of the provisions of this act.

(b). Such misdemeanor shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than ninety (90) days or by both such fine and imprisonment.

Section 13. Disciplinary proceedings. (a) The license of any person practicing or offering to practice nursing home

administration, or the license of a provisional nursing home administrator may be revoked or suspended by the board, or such person may be reprimanded, censured or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(1) upon proof that such person has willfully or repeatedly violated any of the provisions of this act or the rules enacted in accordance therewith; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is administrator;

(2) upon proof that such person's conduct is immoral, unprofessional, or dishonorable;

(3) upon proof that such person is guilty of fraud or deceit in the practice of nursing home administration or in his or her admission to such practice;

(4) upon proof that such person has been convicted in a court of competent jurisdiction, either within or without the state, of a crime involving moral turpitude.

(b). The board shall have the jurisdiction to hear all charges brought under the provisions of this section against any person having been issued a license as a nursing home administrator or having been issued a license as a provisional nursing home administrator; and upon such hearings shall determine the charges upon their merits. If the board determines that disciplinary measure should be taken, the board may revoke his or her license, suspend him or her from practice, or reprimand, censure, or otherwise discipline such person.

(c). All proceedings under this section shall be heard by the board with at least two-thirds ($2/3$) of its members present, and decisions to discipline any licensee shall require a vote of two-thirds ($2/3$) of the membership of the entire board; provided, however, that the board may designate three (3) or more of its members to comprise a hearing committee for the purpose of determining whether charges brought justify a hearing by the board, and with the authority to dismiss frivolous or unfounded charges.

(d). At any hearing under this act the person charged shall have the right to appear either personally or by counsel or both, to produce witnesses and evidence in his own behalf, and to cross-examine witnesses. The board or hearing committee shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony concerning all matters within the jurisdiction of the board. The circuit court

of the county wherein said hearing is to take place shall have authority, on application of the board, to enforce obedience to said subpoenas and orders of the board concerning such testimony.

Section 14. Restoration of license. The board may, for good cause shown, upon such terms as the board may prescribe, re-issue a license to any person whose license has been revoked.

Section 15. Review of decisions of board of examiners of nursing home administrators. Any party aggrieved by a final decision or order of the board of examiners of nursing home administrators suspending, revoking, or refusing to issue a license is entitled to a review of such decision or order by taking an appeal to the circuit court in equity of the county in which the nursing home administrator or applicant resides. In such cases, such appeal shall be taken by filing notice thereof with the register of the circuit court in equity within thirty (30) days of the date of notice by the board of its decision. Appeals from any order or decree rendered thereon by the circuit court to the supreme court of Alabama shall be available as in other equity cases.

Section 16. Authorization to receive and expend funds. The board of examiners of nursing home administrators is hereby authorized to receive and expend, in carrying out the purposes of this act, all sums paid by applicants and registrants as provided in this act, and all sums which might be appropriated for such purposes, and are also authorized to receive and expend any funds available for such purposes from the federal government.

Section 17. Severability clause. If any section or provision of this act shall be declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality and validity of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of this act are to be severable.

Section 18. Effective date. This act shall take effect upon its passage and approval by the governor or upon its otherwise becoming law.

Approved September 12, 1969.

Time: 7:56 P.M.

To create a Court of Criminal Appeals and a Court of Civil Appeals; to provide for the jurisdiction of each; to provide for the transfer of cases between the courts and between them and the Supreme Court; to provide for the reporting of the decisions, the terms of court, law clerks for each of the judges; the salaries of the judges, their place of residence, that the members of the Criminal Court of Appeals shall be the same members as the former Court of Appeals; providing for the appointment by the governor of the members of the Civil Court of Appeals to staggered terms, providing for supernumerary judges of said courts, for a clerk of said courts and his duties, and for other clerical assistance and for a review by certiorari of the decisions of said courts and to make appropriations therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. A Court of Criminal Appeals and a Court of Civil Appeals, each composed of three judges possessing the qualifications of the Supreme Court justices, are created and established.

Section 2. The Court of Criminal Appeals shall have exclusive appellate jurisdiction of all misdemeanors, including the violation of town and city ordinances, bastardy, habeas corpus and all felonies, including all post conviction writs in criminal cases.

Section 3. The Court of Civil Appeals shall have exclusive appellate jurisdiction of all suits at law where the amount involved, exclusive of interests and costs does not exceed ten thousand dollars, all appeals from administrative agencies other than the Alabama Public Service Commission, all appeals in workmen's compensation cases, all appeals in domestic relations cases, including annulment, divorce, adoption and child custody cases, and all extraordinary writs arising from appeals in said cases. Where there is a recovery in the court below of any amount other than costs, the amount of such recovery shall be deemed to be the amount involved, otherwise the amount claimed shall be deemed to be the amount involved, except that in actions of detinue the alternate value of the property as found by the court or jury shall be deemed to be the amount involved.

Section 4. Each of the said courts of appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. Each court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to establish rules of practice in such court; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not exceeding ten

days, one or both, and to exercise such other powers as may be given to such court by law.

Section 5. Appeals to said courts shall be taken in the manner and with the effect and subject to the limitations and restrictions now, or hereafter, provided by law with respect to appeals to the supreme court and the rules and regulations, now, or hereafter, obtaining with respect to applications for rehearings in the supreme court shall apply to said courts of appeals.

Section 6. The judges of said courts shall each have authority to issue writs of certiorari and supersedeas to all inferior courts, and writs of injunction, subject to the limitations prescribed by law.

Section 7. The state is divided into eight appellate divisions, each division to be numbered and composed as the divisions of the supreme court are now or may hereafter be numbered and composed, and the cases from the counties composing the several divisions shall be heard and considered, and the call of the divisions shall conform to the calls of the divisions of the supreme court, as now or hereafter fixed by law; but said courts of appeals may change the time of said calls in the event it becomes necessary to avoid interference with the calls of the supreme court, or with each other, notice of such changes to be given to the several clerks and registers of all the counties. The presiding judges of the courts of appeals shall decide as to days and use of available courtrooms, with the presiding judge of the criminal court of appeals having the initial choice.

Section 8. Suitable and adequate quarters for the holding of the sessions of the courts and for the use of the judges and other officers of the court shall be provided, with the presiding judge of the court of criminal appeals having the initial choice of quarters for the judges of that court.

Section 9. Within the limitations or jurisdiction herein conferred on said courts, the provisions of title 13, sections 23-27 are made applicable to said courts of appeals.

Section 10. The decisions of the supreme court shall govern the holdings and decisions of the courts of appeals, and the decisions and proceedings of such courts of appeals shall be subject to the general superintendence and control of the supreme court as provided by section 140 of the Constitution of the state.

Section 11. When any case is submitted to the supreme court which should have gone to one of the courts of appeals, or is submitted to one court of appeals when it should have gone to the other, it must not be dismissed but shall be transferred

to the proper court, and when any case is submitted to a court of appeals which should have gone to the supreme court it shall be transferred to the supreme court.

Section 12. The said courts shall conform to the laws and rules now or hereafter governing the supreme court of Alabama with respect to the writing and publication of opinions, and the supreme court reporter shall report the opinions and decisions of said courts of appeals in all respects as he is now, or hereafter may be, required by law to report the decisions and opinions of the supreme court. The opinions and decisions of said courts of appeals so reported shall be printed and bound in the same general manner and style as the supreme court reports, and shall be styled "Alabama appellate court reports," and shall be numbered seriatim, and the expense of publishing the same shall be paid as the expense of publishing the supreme court reports is paid.

Section 13. In the absence of a judge of either of the courts of appeals, or in case of the disqualification of a judge, a majority can hold court and decide cases and announce the result when concurred in by them. If one is absent or disqualified and the other two are divided as to the decision of a case, or if two, or all of the judges are disqualified in any case, the fact must be certified to the chief justice of the supreme court, and he shall appoint a justice or justices of that court to sit with the divided members to consider and decide said case, or if the entire court is disqualified, the appointed justice shall consider and decide the case.

Section 14. The regular term of the courts of appeals shall be the same as that of the supreme court; but the court may, in its discretion, adjourn from time to time.

Section 15. On the day the judges of the courts of appeals become eligible to receive their commissions from the governor, the criminal court of appeals shall transfer all unannounced and pending civil cases formerly on the docket of the court of appeals to the court of civil appeals; and the supreme court may transfer to the court of civil appeals unannounced but submitted cases on the supreme court docket, within the exclusive jurisdiction of the court of civil appeals, but the number of cases transferred shall not exceed ten cases per judge on the court of civil appeals. All pending but unsubmitted cases on the docket of the supreme court shall be transferred to the court of civil appeals, but the number of submitted cases on the docket of the supreme court over and above the ten cases per judge on the court of civil appeals shall be retained and disposed of by the supreme court. The supreme court shall transfer to the court of criminal appeals

all unannounced and pending criminal cases, except those where the penalty was fixed at death. The cases transferred shall be designated separately in writing. Such written designation shall be entered upon the minutes of each of the courts, and upon the making and entering of such designation the jurisdiction and control of the original appellate court over the designated cases shall cease and determine.

Section 16. Each judge of each court of appeals is authorized to appoint one law clerk to assist the appointing judge in the performance of his duties.

Section 17. Each law clerk so appointed shall serve as law clerk to the judge appointing him, and may be dismissed and a successor appointed at the will of the appointing judge.

Section 18. The salary of each such law clerk shall be the same as the salary paid to law clerks of the supreme court justices and shall be paid in semi-monthly installments out of the general funds of the state as other state employees are paid.

Section 19. The salary of each judge on each court of appeals shall be an annual amount of five hundred dollars (\$500) less than the annual salary fixed from time to time for an associate justice of the supreme court of Alabama, payable in equal semi-monthly installments as the salaries of other state officers are paid. Any changes in said salary shall take effect as provided for in the case of supreme court justices, but shall be limited in its commencement by the operation of any applicable constitutional provision, if any.

Section 20. The judges of the courts shall reside in Montgomery during the terms of the courts.

Section 21. The judges of the court of criminal appeals shall be the identical judges of the former court of appeals with the respective seniority they had on that court. The judges shall be elected by the qualified electors of the state at the general election of 1970, and shall hold office for a term of six years, and until their successors are elected and qualified. In case of vacancy in the office of any of the judges, such vacancy shall be filled as vacancies in the offices of justices of the supreme court. The judge of said court who has served the longest in such capacity shall be its presiding judge, and in all cases of equal seniority, the presiding judge shall be elected by lot from the judges who are so situated, and shall serve as such presiding judge for the term which he is then filling as a judge of said court. All duties heretofore provided by law to be exercised by the presiding judge of the court of appeals shall in

the future be performed by the presiding judge of the court of criminal appeals.

Section 22. The judges of the civil court of appeals shall be appointed by the governor and shall hold office until the general election of 1970. At that election the first named appointee by the governor, or his successor, shall be elected for a six year term, the second named appointee, or his successor, shall be elected for a four year term, and the third named appointee, or his successor, shall be elected for a two year term. At the general election in 1972, the third appointee, or his successor, shall be elected to a six year term; at the general election in 1974, the second appointee shall be elected to a six year term; and thereafter, the term of each of the judges shall be six years. In case of vacancy in the office of any of the judges, such vacancy shall be filled as vacancies in the offices of the supreme court. The judge of said court who has served the longest in such capacity shall be its presiding judge. In the original appointments, the governor shall name the presiding judge, and in the event the governor should appoint two or more judges at the same time, their seniority shall be governed by the order in which their names appear on the list of appointees submitted by the governor to the secretary of state. In the event the number of judges on the court is increased to more than three, the governor shall make appointments so that, as nearly as may be, one-third of the members of said court shall be elected each second year.

Section 22 1/2. The following sums are hereby appropriated for the operation of the Court of Civil Appeals for the fiscal years as indicated:

	1969-70	1970-71
For salaries of the Three Judges	57,000.00	57,000.00
For other salaries	52,000.00	52,000.00
For other expenses	6,500.00	6,500.00
For equipment and book purchases	20,000.00	3,000.00
Total	\$135,500.00	\$118,500.00

Section 23. Any judge of the courts of appeals may elect to become a supernumerary judge of the state if he meets the requirements of eligibility prescribed for justices of the supreme court for supernumerary status. Such election by such judge shall be made by filing, while in the service, a written declaration with the governor, who, upon finding the existence of conditions as therein specified shall endorse his approval thereon. Upon such approval by the governor, the office then held by

him shall become vacant and the vacancy shall be filled as provided by section 158 of the Constitution.

Section 24. Every supernumerary judge, after taking the oath of office prescribed for other judicial officers by the Constitution, shall serve on the courts of appeals, or on the supreme court, or as judge of any of the circuit courts when a vacancy exists or the need therefor arises, if requested to do so by the chief justice of the supreme court or the governor. A supernumerary judge shall have the duties and exercise the authority of the office to which he is assigned by the chief justice or the governor. Supernumerary judges of the courts of appeals shall be governed by the provisions of Sections 31, 32, 33 and 47, Title 13, Code 1940, as amended, relating to supernumerary justices.

Section 25. The marshal and librarian of the supreme court and his assistants shall be the marshal and librarian and assistants respectively of said courts of appeals, and shall discharge such duties and obey such directions, not inconsistent with the laws of the state, or his duties as marshal and librarian of the supreme court, and pertaining to his office, as may be required by the judges.

Section 26. The judges of the Court of Criminal Appeals are hereby authorized to appoint and employ a clerk, an assistant clerk, an executions clerk and three secretaries. Such clerk shall serve as confidential assistant and such assistant clerk, executions clerk and secretaries shall serve as confidential secretaries in the same manner and to the same extent as other confidential assistants and confidential secretaries employed in the state service, shall perform such duties as may be required by the judges of the court, and shall be subject to the Merit System Act only as to the pay plan.

The salary of the clerk shall be fixed under the provisions of the merit system in the same pay range as that of attorney III, and shall be payable out of the state treasury as the salaries of other state officers are paid. The present employees of the court of appeals in the positions named in this section shall be such employees in the court of criminal appeals retaining their status and seniority established as employees in the court of appeals. The sums appropriated to the Court of Appeals for the current fiscal year and the appropriation for the Court of Appeals in HB 621, General Appropriations Bill, of the current session, are hereby transferred to the Court of Criminal Appeals and shall be expended by the Court of Criminal Appeals.

Section 27. The clerk of the supreme court shall be the clerk of the court of civil appeals and is hereby authorized to

appoint and employ such additional help as may be required by him to adequately operate the office of clerk of civil appeals. Each judge of the court of civil appeals is hereby authorized to appoint and employ a confidential secretary who shall serve at the pleasure of the judge and shall be subject to the merit system act only as to pay plan; and the salaries of all the employees of the courts of appeals shall be paid as the salaries of other state employees are paid.

Section 28. The clerks of the courts of appeals must keep the office open for transaction of business on every day except Saturday, Sunday, and legal holidays for such hours as may be directed by the courts of appeals.

Section 29. Each clerk shall have the authority to administer oaths and take affidavits, and it is his duty; To issue and sign all writs and process of every description, issued under the authority of the court. To keep in regular order the papers, dockets, and records of such court. To keep an appearance, trial, motion and execution docket, under such rules as are or may be prescribed by the courts. To enter from day to day the judgments and proceedings of the courts. To send, immediately after the expiration of the time allowed by the courts of appeals for the call of a division of the state, certificates of the action of the courts of appeals in all causes determined during such call, which certificates shall show the date, number and character of the judgment, order or decree appealed from with the decision of the courts of appeals thereon, which certificate shall have the same force and effect as a certificate issued by the clerk of the supreme court. But if the courts of appeals or a judge thereof should recall the certificate, or the court grant a rehearing in any cause, or a cause be taken to the supreme court as by law provided, after the certificate has been sent down, the clerk of the courts of appeals shall certify that fact to the clerk, register or other officer and the latter certificate shall operate as a supersedeas of any execution, which may have issued on the former certificate without impairing the obligation of the sureties on the appeal or other bond; such certificate shall be evidence in any cause in any court in this state of the facts set forth as herein provided. Within ten days after the reversal of any judgment or decree or affirmance of any interlocutory order or decree to send to the court below a certified copy of the opinion of the courts of appeals. Such opinion and certificate shall be legal evidence in any cause in any court. At the end of each term, to have the transcripts of the records of all cases, with a copy of the orders made and of the final judgment or decree in each case, and the manuscript opinions of the courts decided at such term, bound in strong binding and lettered so

as to show the term. Such transcript and copy of the orders and of final judgment and the manuscript opinion of the court shall constitute the record in each case.

Section 30. When any of the records of said court of appeals are bound according to the provisions of this article the account for the same must be paid out of the treasury as accounts for the other printing and binding are paid. The record books, blanks and stationery and furniture necessary to the courts shall be furnished in like manner as they are furnished to the other public officers in the capitol.

Section 31. The attorney general in person or by assistant must attend on the part of the state to all criminal cases and all civil suits in which the state is a party in said courts of appeals.

Section 32. Review of the decisions of the courts of appeals shall be by petitions for writ of certiorari to the supreme court. A petition for writ of certiorari to the supreme court in a criminal case in which the death penalty was imposed as punishment will be considered by the supreme court as a matter of right. In all other cases, civil or criminal, petitions for writs of certiorari should be granted only (1) from decisions initially holding invalid a city ordinance, a state statute or a federal statute or treaty, or initially construing a controlling provision of the Alabama or Federal Constitution; or (2) from decisions that affect a class of constitutional, state or county officers; or (3) from decisions where a material question requiring decision is one of first impression in Alabama, or (4) from a decision that is in conflict with a prior decision of the supreme court on the same point of law. When (4) is the basis of the petition for certiorari, the application must quote that part of the opinion of the appropriate court of appeals, and that part of the prior decision of the supreme court with which the conflict is alleged.

Section 33. The petition for writ of certiorari must be on transcript paper, must show that an application for a rehearing was made to and decided adversely by an appropriate court of appeals. Briefs must accompany and be filed with the petition. Both petition and brief must be filed in the office of the clerk of the supreme court within fifteen days after the action of the designated court of appeals upon the application for rehearing. Compliance with Supreme Court Rule 39 is required.

Section 34. Chapter 3 of Title 13 (§§ 85-111), and all amendments thereto are hereby repealed.

Section 35. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 36. This Act shall become effective on the first day of the month following its approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:56 P.M.

Act No. 988

S. 260—Engel, McDermott

AN ACT

Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 594, H. 1044, Regular Session 1939 (Local Acts 1939, p. 355), an act regulating the compensation of the Sheriff of Mobile County, as amended, is amended further to read as follows:

“Section 1. At the expiration of the term of the incumbent, the sheriff of Mobile County shall be paid eighteen thousand dollars (\$18,000) per annum as salary or compensation. Such sum shall be paid out of the county treasury of Mobile County, Alabama, in equal monthly installments at the end of each month, upon warrants drawn in the same manner as other officers and employees of Mobile County, Alabama.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:57 P.M.

Act No. 989

S. 566—Engel, Cooper

AN ACT

To authorize and direct the director of conservation to execute on behalf of the State of Alabama a proper conveyance of certain real property to the Board of Trustees of the University of South Alabama, and certain other real property to the Mobile County Board of School Commissioners; and to provide for the relinquishing of certain rights

in a certain part of such property by the Mobile County Board of School Commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The director of conservation, state department of conservation, is hereby authorized and directed to convey on behalf of the State of Alabama, pursuant to the provisions of Section 242, Title 8, Code of Alabama 1940, the title in fee simple to the following described real property to the Board of Trustees of the University of South Alabama, to wit:

Section 16, Township 4 South, Range 2 West, St. Stephens Meridian, in Mobile County; and to the Mobile County Board of School Commissioners the following described real property, to wit:

Section 16, Township 3 South, Range 2 West, known as Indian Springs—640 acres

Section 16, Township 4 South, Range 3 West, known as Baker School (Army School)—640 acres

Section 16, Township 5 South, Range 2 West, known as Halls Mill Creek—640 acres

Section 16, Township 5 South, Range 3 West, known as Dawes—640 acres

South half of Section 15, Township 6 South, Range 2 West, known as Warley Farm—320 acres

Section 16, Township 6 South, Range 2 West, known as Theodore L & N Railroad—640 acres

South half of Section 19, Township 6 South, Range 2 West, known as Irvington—320 acres

Northeast quarter of the North half of the Northwest quarter of Section 30, Township 6 South, Range 2 West, known as Irvington—240 acres

East half of West half and West half of East half of Section 23, Township 6 South, Range 2 West, known as North Laurendine—320 acres

East half of Northwest quarter of Section 26, Township 6 South, Range 2 West, known as South Laurendine—80 acres.

That portion of Section 16, Township 3 South, Range 1 West, owned by School Board consisting of 150 acres, more or less (Chickasaw)

Upon receipt of deeds or other proper conveyances vesting fee simple title to the above described lands in the Mobile

County Board of School Commissioners such board shall promptly release and relinquish all rights to the control, direction and management of said Section 16, Township 4 South, Range 2 West which the director of conservation is authorized, hereinabove, to convey to the Board of Trustees of the University of South Alabama.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:57 P.M.

Act No. 990

S. 596—Carr

AN ACT

To provide for the compensation of the register of the circuit court of any county having a population of not less than 47,000 nor more than 49,000, according to the last or any subsequent federal decennial census; to repeal conflicting general, local or special laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 47,000 nor more than 49,000, according to the last or any subsequent federal decennial census, the register of the circuit court shall receive an annual salary of ten thousand dollars (\$10,000), to be paid in equal monthly installments from the county treasury.

Section 2. All general, local or special laws, or parts of such laws, which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:58 P.M.

Act No. 991

S. 708—Turner

AN ACT

Relating to Crenshaw County; providing for the compensation of members of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the county board of education in Crenshaw County shall be paid fifteen dollars (\$15) a day for each day in actual attendance at meetings of the board. Such compensation shall be paid from the public school funds of the county.

Section 2. The provisions of this act are cumulative, but all laws and parts of laws in direct conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:58 P.M.

Act No. 992

S. 710—Turner

AN ACT

To provide for the appointment of the county superintendent of education of Crenshaw County; to provide for and regulate his compensation; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In Crenshaw County the county board of education shall appoint the county superintendent of education for a term of from two to four years from the first day of July next succeeding his appointment. Provided, that the first county superintendent of education appointed under this Act shall assume his office upon the expiration of the term of the incumbent elected superintendent of education. The appointed superintendent of education shall possess the qualifications prescribed in the general law of Alabama relative to the qualifications of county superintendents of education and shall perform the same duties and have the same authority as the elected superintendent.

Section 2. The county superintendent of education of Crenshaw County shall receive as compensation for his services an annual salary in such amount as is fixed by the county board of education, and an expense allowance in an amount fixed by the county board of education; but the total amount of such salary and expense allowance combined shall not exceed \$15,000 per annum. The salary of the county superintendent shall be paid at the times and in the manner prescribed by the general

law for the payment of salaries of county superintendents of education. The expense allowance shall be paid in equal monthly installments from the public school funds of Crenshaw County. The county board of education of Crenshaw County is hereby authorized and directed to fix and approve the salary and expense allowance of the county superintendent of education, subject to the above prescribed limitation. Such salary and expense allowance shall be the entire compensation allowed the county superintendent and shall be in lieu of all other compensation, salary and allowances heretofore provided for the superintendent of education of such county.

Section 3. The provisions of Act No. 83, H. 68, Regular Session 1931 (Local Acts 1931, p. 21), all laws amendatory thereof and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 7:59 P.M.

Act No. 993

S. 743—McDermott

AN ACT

To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax..

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

“Section 1. Definitions. Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations.

‘Domestic water’ shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

‘Gross receipts’ shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the

utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross receipts' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

'Gross sales' shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consignment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross sales' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other persons.

'Person' shall mean an individual, firm, copartnership, association, trust, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

'Retail sale' shall mean all sales except those defined herein as wholesale sales.

'Taxpayer' shall mean any person liable for taxes under the provisions of this Act.

'Utility' shall mean every person regularly engaged in furnishing utility services to another person or other persons in the State of Alabama.

'Utility services' shall mean electricity; domestic water; natural gas, telegraph services; and telephone services to subscribers; provided that 'utility services' shall not mean telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing such services or either of them to the public, or telephone services or telegraph services

which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further, that 'utility services' shall not mean utility services stored, used or consumed by a utility.

'Wholesale sale' shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale or such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale."

Section 2. That Section 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

"Section 5. Exclusions. There are hereby specifically excluded from the gross receipts or gross sales of a utility, upon which the tax herein levied is calculated, all portions thereof derived from the following:

(a) the furnishing of utility services which the State of Alabama is prohibited from taxing under the Constitution or laws of the United States of America or the Constitution of the State of Alabama;

(b) the furnishing of utility services which are otherwise taxed under the provisions of Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended;

(c) wholesale sales;

(d) the furnishing of electricity, natural gas, or domestic water for use or consumption by anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business, in or for the direct production, generation, processing, storage, delivery or transmission of electricity, natural gas or domestic water, including but not limited to loss or waste of electricity, natural gas or domestic water thereby;

(e) the furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process;

(f) the furnishing of natural gas to a manufacturer or compounder for consumption or use by such manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy;

(g) the furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process; and

(h) the use or consumption of electricity by an incorporated municipality or a board or corporation organized under the authority of any incorporated municipality in furnishing or providing street lighting or traffic control systems, the use or consumption of telephone services by an incorporated municipality in providing fire alarm systems, and the use or consumption of domestic water by an incorporated municipality in extinguishing fires, explosions or conflagrations."

Section 3. Effective Date. This Act shall become effective on September 1, 1969, following its enactment and approval by the Governor or its otherwise becoming law.

Approved September 12, 1969.

Time: 7:59 P.M.

Act No. 994 S. 748—Skidmore, Gilmore, Morrow, Vacca,
Bailes, Hawkins, Dominick, Givhan,
McCarley, Childs

AN ACT

Relating to state parks, memorials and historical sites; establishing the Tannehill Furnace and Foundry Commission as a state agency to acquire, renovate, maintain and exhibit the old Tannehill Furnace in the County of Tuscaloosa; and to establish, create, manage, control and operate a state memorial park for the exhibition of this old furnace and the processes of iron making and for other related purposes; prescribing the authority, powers, duties and functions of the commission and its members and officers; forbidding members of the commission or employees thereof to engage in certain dealings with the commission and prescribing penalties therefor; and making an appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Tannehill Furnace and Foundry Commission to establish, operate and maintain as a state park or historic site the land and buildings in the County of Tuscaloosa where one of the State's early ironworks, known as the Tannehill Furnace and Foundry was located. The purpose of the commission shall be to preserve, restore, maintain and promote as a state park or historic site the land and relics of the Tannehill furnace, and, in recognition of the important part, played by the iron and steel industry in the development

of this state, to exhibit this old furnace as an example of the process of making iron in this State's early days.

Section 2. (a) To this end the commission is authorized to take possession, under a lease or a deed, of the land and other property in the County of Tuscaloosa, known as "Old Tannehill Furnace," which is now owned by the University of Alabama; and the Board of Trustees of the University of Alabama is hereby authorized, in its discretion, to lease or to deed in fee simple such lands and appurtenances thereto to the commission. Such board of trustees may also sell, give, or lend any other relics of old-style iron making or other items appropriate for display along with or as a part of a display or exhibit of iron making. The commission is further authorized to lease, accept as a gift or loan, or otherwise acquire any other property, real or personal, including gifts or bequests of money or other things of value to be used in fulfilling the purpose for which it is established or for any auxiliary purpose incidental or appropriate thereto.

(b) The commission is also authorized to borrow money and issue revenue bonds in evidence thereof; but no such bonds shall be general obligations of the State of Alabama or any agency or any political subdivision thereof. Nor shall such commission pledge to the payment of any such loans the land, buildings, exhibits or other appurtenances thereto. It may, however, pledge to the repayment thereof the proceeds derived from admission fees or charges or other fees or charges made in connection with such park or historical site.

Section 3. (a) The commission shall operate or provide for the operation of the park or historic site hereby provided for, and any appurtenances thereto in such manner as to facilitate its exhibition to the public either with or without a charge. If the commission, in its discretion, decides that a charge is appropriate then the commission shall fix and provide for the collection of such charge or charges as it deems appropriate for admission to the park and for the use, viewing of or other enjoyment of exhibits and other facilities appurtenant to the park.

(b) The commission may enter into agreements with any civic organization, lay group or industrial, professional or governmental organization relative to the general management of the park or historic site. The commission is also specifically authorized to accept gratuitous services from individuals and organizations, and to employ such hostesses, guards, superintendents and other employees, as in its opinion, are needed for the operation and exhibition of such park or historic site.

Section 4. The commission shall be composed of sixteen members, one of whom shall be appointed by the Board of Trustees of the University of Alabama, one of whom shall be a member of the Alabama Historical Commission, chosen by such commission in the manner prescribed by it, and the remaining fourteen members shall be appointed by the Governor. Four of the first members appointed by the Governor shall be appointed for eight-year terms, four shall be appointed for six-year terms, four shall be appointed for four-year terms and two shall be appointed for two-year terms. The first member appointed by the Board of Trustees of the University and the first member representative of the Alabama Historical Commission shall be appointed for two-year terms. Successors to these first members shall all be appointed for eight-year terms. Vacancies on the board, during a term shall be filled for the unexpired portion of the term in the same manner and by the same appointing authority as the member whose place is being filled.

Section 5. No member of the commission shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as a member of the commission. All such expenses shall be paid from the funds of the commission. Further, it shall be unlawful for any member of the commission or any employee thereof to charge, receive, or obtain, either directly or indirectly, any fee, commission, retainer or brokerage out of the funds of the commission, and no member of the commission or officer or employee thereof shall have any interest in any land, materials, or contracts sold to or made or negotiated with the commission, or with any member or employee thereof acting in his capacity as a member of such commission. Violation of any provision of this section shall be a misdemeanor and upon conviction shall be punishable by removal from membership or employment and by a fine of not less than \$100 or by imprisonment not to exceed six months, or both.

Section 6. The commission shall be a state agency and shall have exclusive control over the Tannehill Furnace and Foundry and the area appurtenant thereto; the memorial park established hereunder; and all improvements and exhibits located thereon; and any additions constructed, created, leased, acquired or erected in connection therewith.

Section 7. The commission shall hold an annual meeting in the City of Tuscaloosa. Eight members shall constitute a quorum for the transaction of business. Additional meetings may be held at such times and places within the State as may be necessary, desirable or convenient upon call of the chairman,

or in the case of his absence or incapacity, of the vice-chairman, or on the call of any three members of the commission. The commission shall determine and establish its own organization and procedure in accordance with the provisions of this Act, and shall have an official seal. The commission shall elect its chairman, its vice-chairman, its secretary and its treasurer, and such officers shall hold office for a period of one year or until a successor is elected. Neither the secretary nor the treasurer need be members of the commission. The commission may require that the treasurer thereof be bonded in an amount to be determined by the commission.

Section 8. The commission shall constitute a body corporate and shall have, in addition to those set forth specifically in this Act, all powers necessary or convenient to effect the purposes for which it has been established under and by the terms of this Act, together with all powers incidental thereto or necessary to the discharge of its said powers and duties.

Section 9. This commission shall have a tax exempt status, and the properties of the commission and the income therefrom, all lease agreements and contracts made by it, all bonds issued by it and the coupons applicable thereto and the income therefrom, and all indentures executed with respect thereto shall be forever exempt from any and all taxation by the State of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement, excise and ad valorem taxes.

Section 10. For the purpose of effectuating the provisions of this Act there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of \$10,000.00 dollars for each of the fiscal years ending September 30, 1970 and September 30, 1971. The moneys hereby appropriated shall be released only on order of the Governor.

(D) The governing body of any county or of any municipality in this state shall be authorized, by resolution duly adopted and recorded, to appropriate any available public funds not otherwise pledged to the use of any such Commission.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 8:00 P.M.

Act No. 995

H. 621—Mathews

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for each of the two fiscal years ending respectively September 30, 1970, and September 30, 1971, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of

any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

- (1) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for the salaries and expenses of the Legislature for the fiscal year ending September 30, 1970\$ 1,000,000.00

For the fiscal year ending September 30, 1971 1,750,000.00

- (2) For the printing of Legislative Acts and Journals:

For the fiscal year ending September 30, 1970, estimated 100,000.00

For the fiscal year ending September 30, 1971, estimated 50,000.00

- (3) For Legislative Council expenses 20,000.00

- (4) LEGISLATIVE REFERENCE SERVICE:

For the fiscal year ending September 30, 1970:

For salary of the Director	17,000.00
For other salaries	96,800.00
For other expenses	6,000.00
For equipment purchases...	500.00

Total	120,300.00
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For the fiscal year ending September 30, 1971:

For salary of the Director...	17,000.00
For other salaries	100,000.00
For other expenses	6,000.00
For equipment purchases ...	500.00

Total	123,500.00
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Commission on Intergovernmental Cooperation:

For salaries	1,800.00
For other expenses	3,200.00

Total	5,000.00
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(5) DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:

For the fiscal year ending September 30, 1970:

For the salary of the Chief Examiner	19,800.00
For the salary of the Assistant Chief Examiner	18,800.00
For other salaries	930,000.00
For other expenses	266,110.00
For equipment purchases	4,975.00

Total	1,239,685.00
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For the fiscal year ending September 30, 1971:

For the salary of the Chief Examiner	19,800.00
For the salary of the Assistant Chief Examiner	18,800.00
For other salaries	1,002,000.00
For other expenses	285,359.00
For equipment purchases	2,000.00
For automotive equipment purchases	21,600.00

Total	1,349,559.00
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II. JUDICIAL:

(1) THE SUPREME COURT:

For the fiscal year ending September 30, 1970:

For the salaries of the Chief Justice and eight Associate Justices	175,500.00
For the salary of the Clerk of the Court	15,000.00
For the salary of the Court Reporters	15,000.00

For other salaries	257,500.00	
For other expenses	19,000.00	
For printing the Alabama Reports, Estimated	7,800.00	
For equipment purchases ...	20,000.00	
	<hr/>	
Total		509,800.00

For the fiscal year ending
September 30, 1971:

For the salaries of the Chief Justice and eight Associate Justices	175,500.00	
For the salary of the Clerk of the Court	15,000.00	
For the salary of the Court Reporters	15,000.00	
For other salaries	257,500.00	
For other expenses	19,000.00	
For printing the Alabama Reports, Estimated	7,800.00	
For equipment purchases ...	5,000.00	
	<hr/>	
Total		494,800.00
For the Supreme Court Library Fund		40,000.00

(2) THE COURT OF APPEALS:

For salaries of the three judges	57,000.00	
For other salaries	87,500.00	
For other expenses	6,500.00	
For printing Appellate Court Reports, Estimated	4,875.00	
For equipment purchases ...	3,000.00	
	<hr/>	
Total		158,875.00

(3) THE CIRCUIT COURTS:

For the salaries of the judges of the Circuit Courts, estimated		1,200,000.00
For travel Expenses of cir- cuit judges, estimated		15,000.00
For College of Trial Judges as provided in Act No. 730, 1967 Regular Ses- sion		5,000.00

For telephone service, stationery, stamps, law books and other legal publications, and necessary office equipment and supplies for the office use of circuit judges	25,000.00
For the salaries and travel expenses of special judges, estimated	10,000.00
For salaries of District Attorneys, Estimated:	
For the fiscal year ending September 30, 1970	392,400.00
For the fiscal year ending September 30, 1971	471,450.00
For salary of the elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	8,500.00
For the salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,600.00
For the salary of the First Deputy District Attorney of the Birmingham Division of the 10th Judicial Circuit	5,700.00
For the salaries of the Second and Third Deputy District Attorneys of the Birmingham Division of the 10th Judicial Circuit...	10,000.00
For the salaries of the Fourth, Fifth, Sixth, Seventh and Eighth Deputy District Attorneys of the Birmingham Division of the 10th Judicial Circuit; \$4,000.00 each	20,000.00
For the salary of the Deputy District Attorney of	

the 4th Judicial Circuit, Estimated	10,900.00
For the salaries of the Deputy District Attor- neys of the 6th Judicial Circuit	6,750.00
For the salary of the Dep- uty District Attorney of the 7th Judicial Circuit...	6,900.00
For the salary of the Dep- uty District Attorney of the 8th Judicial Circuit...	6,900.00
For the salaries of the Dep- uty District Attorneys of the 13th Judicial Circuit...	23,600.00
For the salaries of the Dep- uty District Attorneys of the 15th Judicial Circuit...	13,200.00
For the salaries of the Dep- uty District Attorneys of the 16th Judicial Circuit...	6,000.00
For the salaries of the Dep- uty District Attorneys of the 23rd Judicial Circuit	16,800.00
For the travel expenses of District Attorneys, esti- mated	17,000.00
For the salary of the Sten- ographic Secretary of the 6th Judicial Circuit	1,200.00
For telephone service, sta- tionery, stamps, and nec- essary office supplies for the office use of District Attorneys, deputy Dis- trict Attorneys or Assist- ants	25,000.00

(Provided, however, that
none of this appropria-
tion shall be expended
for books and equipment
purchases.)

Total for the fiscal year ending September 30, 1970	574,450.00
Total for the fiscal year ending September 30, 1971	653,500.00
For salary of supernumerary District Attorneys, estimated	20,800.00
For expenses of supernumerary District Attorneys, estimated	6,000.00
(4) COURT REPORTERS:	
For the compensation of the circuit court reporters, estimated	250,000.00
For the compensation of the supernumerary circuit court reporters, estimated	38,400.00
(5) SUPERNUMERARY JUDGES:	
For salaries of supernumerary judges and justices, estimated	64,800.00
For expenses of supernumerary judges and justices, estimated	5,000.00

III. EXECUTIVE:

A. DEPARTMENTS, BOARDS, BUREAUS, AGENCIES AND COMMISSIONS:

(1) THE GOVERNOR'S OFFICE:

For the fiscal year ending
September 30,
1970:

For salary of the Governor	25,000.00
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1771

For salary of the Executive Secretary	15,000.00	
For salary of the Legal Advisor	14,000.00	
For salary of the Press Secretary	13,000.00	
For salary of the Confidential Assistant ...	12,000.00	
For other salaries	91,500.00	
For other expenses	75,000.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	3,500.00	
Total		252,000.00

For the fiscal year ending September 30, 1971:

For salary of the Governor	25,000.00
For salary of the Executive Secretary	15,000.00
For salary of the Legal Advisor	14,000.00
For salary of the Press Secretary	13,000.00
For salary of the Confidential Assistant ...	12,000.00
For other salaries	91,500.00
For other expenses	87,500.00
For equipment purchases	3,000.00
For automotive equipment purchases	7,500.00

Total	268,500.00
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(2) For the Governor's Emergency Fund, to be expended

at the direction of the Governor		45,000.00
For the Governor's Controlled Contingency Fund		45,000.00
(3) For the Mansion Fund		25,000.00
For the Governor's Mansion at Gulf Shores		5,000.00
(4) STATE BOARD OF ADJUSTMENT:		
(a) For expenditures by the Board payable from General Fund for the General Fund Contribution to the total expenditure of \$200,000 pursuant to Title 55, Section 343		15,000.00
(b) For expenditures by the Board payable from General Fund under the provisions of Act 208 Special Session 1966 and Act 436 Regular Session 1967, estimated		100,000.00
(5) COMMISSION ON AGING:		
For Salaries	29,800.00	
For other expenses	6,000.00	
Total		35,800.00
(6) DEPARTMENT OF ARCHIVES AND HISTORY:		
For the salary of the Director	12,000.00	
For other salaries	108,220.00	
For other expenses	17,000.00	
For equipment purchases ..	3,000.00	
For expenses of printing of the Alabama Historical Quarterly	6,000.00	
Total		146,220.00

(7) ALABAMA COUNCIL ON
THE ARTS:

For transfer to the Council on the Arts	50,000.00
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For transfer to the Council on the Arts conditional upon the condition of the State Treasury and with the approval of the Gov- ernor	50,000.00
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(8) OFFICE OF THE ATTOR-
NEY GENERAL:

For transfer to the Office
of the Attorney General
for the payment of the
State's General Fund
share of the cost of oper-
ation of the Department:

For the fiscal year ending September 30, 1970	507,700.00
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For the fiscal year ending September 30, 1971	535,100.00
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(9) OFFICE OF THE STATE
AUDITOR:

For the fiscal year ending
September 30, 1970:

For the salary of the State Auditor	15,000.00
For other salaries	69,100.00
For other expenses	2,795.00
For equipment purchases ...	850.00

Total	87,745.00
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For the fiscal year ending
September 30, 1971:

For the salary of the State Auditor	15,000.00
For other salaries	71,660.00
For other expenses	2,997.00
For equipment purchases ...	500.00

Total	90,157.00
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(10) STATE BANKING DE-
PARTMENT:

For transfer to the State Banking Department:		
For the fiscal year ending September 30, 1970		50,000.00
For the fiscal year ending September 30, 1971		75,000.00
(11) BANKING DEPARTMENT —BUREAU OF LOANS:		
For transfer to the State Banking Department		32,125.00
(12) BOARD OF EXAMINERS OF BASIC SCIENCE:		
For salaries	3,300.00	
For other expenses	1,700.00	
Total		5,000.00
(13) BUILDING COMMISSION:		
For salaries, other expenses and equipment purchases		107,500.00
(14) CAHABA HISTORICAL COMMISSION:		
To provide for the expendi- tures authorized by Act No. 486, 1943 Acts, page 449 and an additional a- mount — Total		5,000.00
(15) DEPARTMENT OF CIVIL DEFENSE:		
For the fiscal year ending September 30, 1970:		
For the salary of the Di- rector	12,000.00	
For other salaries	93,000.00	
For other expenses	35,000.00	
For equipment purchases ..	1,000.00	
For automotive equipment purchases	6,000.00	
Total		147,000.00
For the fiscal year ending September 30, 1971:		

For the salary of the Director	12,000.00	
For other salaries	93,000.00	
For other expenses	35,000.00	
For equipment purchases ...	2,900.00	
For automotive equipment purchases	3,000.00	
	<hr/>	
Total		145,900.00
(16) STATE EMPLOYEES INSURANCE BOARD:		
For the fiscal year ending September 30, 1970:		
For salaries	23,100.00	
For other expenses	4,190.00	
For equipment purchases ...	150.00	
	<hr/>	
Total		27,440.00
For the fiscal year ending September 30, 1971:		
For salaries	23,750.00	
For other expenses	4,350.00	
For equipment purchases ...	250.00	
	<hr/>	
Total		28,350.00
(17) FARMERS MARKET AUTHORITY:		
For transfer to Farmers Market Authority		35,410.00
(18) DEPARTMENT OF FINANCE:		
(a) Director's Office:		
For the fiscal year ending September 30, 1970:		
For the salary of the Director	18,000.00	
For the salary of the Assistant Director ...	13,000.00	
For other salaries	17,400.00	
For other expenses	6,650.00	
For records retention program	20,000.00	

For equipment purchases	1,025.00	
Total		76,075.00

For the fiscal year ending September 30, 1971:

For the salary of the Director	18,000.00	
For the salary of the Assistant Director ..	13,000.00	
For other salaries	17,400.00	
For other expenses	6,650.00	
For automotive equipment purchases	3,000.00	
Total		58,050.00

(b) Division of the Budget:

For the fiscal year ending September 30, 1970:

For salary of the Budget Officer	17,500.00	
For other salaries	47,600.00	
For other expenses	4,000.00	
For equipment purchases	500.00	
Total		69,600.00

For the fiscal year ending September 30, 1971:

For salary of the Budget Officer	17,500.00	
For other salaries	61,700.00	
For other expenses	4,800.00	
For equipment purchases	500.00	
Total		84,500.00

(c) Division of Control and Accounts:

For the fiscal year ending September 30, 1970:

For salary of State Comptroller	14,000.00	
For other salaries	216,500.00	
For other expenses	106,300.00	
For equipment pur- chases	1,000.00	
Total		337,800.00

For the fiscal year end-
ing September 30,
1971:

For salary of State Comptroller	14,000.00	
For other salaries	221,400.00	
For other expenses	108,000.00	
For equipment pur- chases	1,000.00	
Total		344,000.00

(d) Legal Division:

For salary of the Chief of the Division	14,000.00	
For other salaries	15,650.00	
For other expenses	6,000.00	
For equipment pur- chases	600.00	
Total		36,250.00

(e) For Computer Consol- idation and Copy Cen- ter Operations	75,000.00
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(f) Division of Purchases
and Stores:

For the fiscal year end-
ing September 30,
1970:

For salaries	168,100.00	
For other expenses	22,200.00	
For equipment pur- chases	1,000.00	
Total		191,300.00

For the fiscal year end-
ing September 30,
1971:

For salaries	171,400.00	
For other expenses	22,400.00	
For equipment purchases	1,000.00	
Total		194,800.00
(g) Division of Service:		
For the fiscal year ending September 30, 1970:		
For salaries	541,100.00	
For other expenses	215,000.00	
For equipment purchases	5,200.00	
For automotive equipment purchases	4,800.00	
Total		766,100.00
For the fiscal year ending September 30, 1971:		
For salaries	548,800.00	
For other expenses	215,000.00	
For equipment purchases	8,000.00	
For automotive equipment purchases	2,000.00	
Total		773,800.00
(h) For equipment purchases in the State Offices for the Executive, Administrative and Judicial Department		10,000.00
(19) GORGAS MEMORIAL BOARD:		
To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383, and an additional amount — Total		
		9,500.00
(20) HALL OF FAME BOARD:		
For payment of expenses of the Board		
		750.00

(21) DEPARTMENT OF
HEALTH:

(a) For Air Pollution:

For salaries	32,100.00	
For other expenses	10,000.00	
For equipment pur- chases	2,500.00	
	<hr/>	
Total		44,600.00

(b) For study, care and
treatment of cancer ... 140,000.00(c) For County Health
Work:

For transfer to the County Health Work Account		375,000.00
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(d) For Dental Program:

For salaries	33,700.00	
For other expenses	17,200.00	
For County Clinics	40,000.00	
	<hr/>	
Total		90,900.00

(e) For General Health
Work:

For other salaries	809,000.00	
For other expenses	230,000.00	
	<hr/>	
Total		1,039,000.00

(This appropriation in-
cludes the operations
of the Branch Labora-
tories in Birmingham
and Mobile.)

(f) For Health Facilities
Construction:

For salaries	34,650.00	
For other expenses	7,150.00	
	<hr/>	
Total		41,800.00

(g) For Hospital Care of
the Indigent:

For transfer to the Hospital Care of the Indigent Account		250,000.00
(h) Hospital Licensing:		
For transfer to the Hospital Licensing Ac- count		21,500.00
(i) Medicaid:		
For transfer to Medi- caid Account:		
For the fiscal year end- September 30, 1970...		12,000,000.00
For the fiscal year end- September 30, 1971...		17,000,000.00
(j) For Polio Program and Tuberculosis Drugs:		
For the purchase of Polio Vaccine and Tuberculosis Drugs...		50,000.00
(k) For Pollution Control:		
For salaries	133,750.00	
For other expenses	11,500.00	
For Contract with Ala- bama Geological Survey for Stream studies	13,500.00	
Total		158,750.00
(l) For Radiation Control:		
For salaries	29,850.00	
For other expenses	24,750.00	
Total		54,600.00
(m) For Tuberculosis Test- ing:		
For salaries	70,700.00	
For other expenses	50,000.00	
For equipment pur- chases	2,500.00	
Total		123,200.00

(n) For Tuberculosis and
Chronic Lung Dis-
orders Treatment:

For the care and treat-
ment of patients with
tuberculosis and
Chronic Lung Dis-
orders in the several
Tuberculosis Hospitals
in the State and for
administrative cost not
to exceed \$276.00 per
licensed bed as provid-
ed in Act No. 272, 1966
Special Session. Pro-
vided, however, that
not more than 5% of
this appropriation may
be used for the treat-
ment of disease other
than tuberculosis

3,297,530.00

(o) For Venereal Disease
Control:

For salaries	35,400.00
For other expenses	16,500.00

Total	
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51,900.00

(22) OFFICE OF HIGHWAY
AND TRAFFIC
SAFETY:

For transfer to Office of
Highway and Traf-
fic Safety

50,000.00

(23) ALABAMA HISTORICAL
COMMISSION:

For transfer to Alabama
Historical Commission:

For the fiscal year ending
September 30, 1970

68,035.00

For the Fiscal year ending
September 30, 1971

69,135.00

(24) RICHMOND PEARSON
HOBSON MEMORIAL
BOARD:

To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount—
Total

9,500.00

(25) INDUSTRIAL DEVELOPMENT BOARD:

(a) For the fiscal year ending September 30, 1970:

For salary of the Director	13,000.00
For other salaries	187,250.00
For other expenses and for National Advertising Promotion	254,700.00
For Contracts for evaluating, research and development of Inventions	25,000.00
For equipment purchases	15,000.00

Total

494,950.00

For the fiscal year ending September 30, 1971:

For salary of the Director	13,000.00
For other salaries	198,000.00
For other expenses and for National Advertising Promotion	262,700.00
For Contracts for evaluating, research and development of Inventions	25,000.00
For equipment purchases	2,000.00
For automotive equipment purchases	3,000.00

Total

503,700.00

(b) PLANNING AND INDUSTRIAL DEVELOPMENT BOARD:

Community Planning:

For the fiscal year ending
September 30,
1970:

For other salaries	164,000.00
For other expenses	100,000.00
For equipment purchases	10,000.00
For Contracts	25,000.00

Total	299,000.00
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For the fiscal year ending
September 30,
1971:

For other salaries	190,750.00
For other expenses	100,000.00
For equipment purchases	5,000.00
For Contracts	25,000.00

Total	320,750.00
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(26) DEPARTMENT OF INDUSTRIAL RELATIONS:

For salaries	244,200.00
For other expenses	57,000.00
For automotive equipment purchases	2,500.00

Total	303,700.00
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(27) DEPARTMENT OF INSURANCE:

For the fiscal year ending
September 30, 1970:

For salary of the Director	13,000.00
For other salaries	302,200.00
For other expenses	95,000.00
For equipment purchases	1,000.00

Total	411,200.00
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For the fiscal year ending
September 30, 1971:

For salary of the Director	13,000.00
For other salaries	304,500.00

For other expenses	95,000.00	
For equipment purchases ...	1,000.00	
	<hr/>	
Total		413,500.00

(28) STATE LABOR DEPARTMENT:

For the fiscal year ending
September 30, 1970:

For salary of the Director...	12,000.00	
For other salaries	74,000.00	
For other expenses	22,000.00	
For equipment purchases ...	500.00	
For automotive equipment purchases	2,500.00	
	<hr/>	
Total		111,000.00

For the fiscal year ending
September 30, 1971:

For salary of the Director...	12,000.00	
For other salaries	74,000.00	
For other expenses	22,000.00	
For equipment purchases ...	500.00	
	<hr/>	
Total		108,500.00

(29) LAGRANGE HISTORICAL COMMISSION:

To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, Page 540.....

1,800.00

(30) LIVESTOCK COLISEUM:

For transfer to the Livestock Coliseum Fund for the operation of the Livestock Coliseum:

For the fiscal year ending September 30, 1970	69,605.00
For the fiscal year ending September 30, 1971	59,105.00

(31) PUBLIC LIBRARY SERVICE DIVISION:

(a)	For salaries	46,500.00	
	For other expenses	22,000.00	
	For Books & Periodicals	175,000.00	
		<hr/>	
	Total		243,500.00
(b)	For transfer to Alabama Public Library Service Federal Account - Title II		6,000.00

(32) MILITARY DEPARTMENT:

(a)	For operation of the Department:		
	For the fiscal year ending September 30, 1970:		
	For the salary of the Adjutant General ...	14,000.00	
	For other salaries	372,800.00	
	For other expenses	90,000.00	
	For equipment purchases	5,000.00	
	For automotive equipment purchases	2,000.00	
		<hr/>	
	Total		483,800.00
	For the fiscal year ending September 30, 1971:		
	For the salary of the Adjutant General ...	14,000.00	
	For other salaries	380,000.00	
	For other expenses	90,000.00	
	For equipment purchases	5,000.00	
	For automotive equipment purchases	2,000.00	
		<hr/>	
	Total		491,000.00
(b)	For Quarterly Allowances		273,000.00
	Provided that not more than \$5,000.00 may be allotted in any fiscal		

year for the Headquarters, Alabama National Guard, and not more than \$1,500.00 may be allotted in any fiscal year for the Division Headquarters.

- | | | |
|------|---|---------------|
| (c) | For Active Military Service — Active National Guard | 72,000.00 |
| (d) | For transfer to the Armory Commission — For Care and maintenance of armories: | |
| | For the fiscal year ending September 30, 1970 | 651,400.00 |
| | For the fiscal year ending September 30, 1971 | 662,500.00 |
| (33) | UNIVERSITY OF ALABAMA-MUSEUM FUND: | |
| | For operation and maintenance | 38,000.00 |
| (34) | DEPARTMENT OF PENSIONS AND SECURITY: | |
| | For transfer to the Department of Pensions and Security for the support, maintenance and operations of the functions of Pensions and Security | 10,000,000.00 |
| (35) | PERSONNEL DEPARTMENT: | |
| | For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department. | |
| | For the fiscal year ending September 30, 1970 | 52,200.00 |

	For the fiscal year ending September 30, 1971	54,100.00
(36)	COMMISSION ON PHYSICAL FITNESS:	
	For salaries	19,800.00
	For other expenses	5,000.00
	<hr/>	
	Total	24,800.00
(37)	COMMISSION TO PRESERVE THE PEACE:	
	For the fiscal year ending September 30, 1970:	
	For salaries	19,600.00
	For other expenses	20,000.00
	<hr/>	
	Total	39,600.00
	For the fiscal year ending September 30, 1971:	
	For salaries	20,700.00
	For other expenses	20,000.00
	<hr/>	
	Total	40,700.00
(38)	ALABAMA PROGRAM DEVELOPMENT OFFICE:	
	For transfer to Alabama Program Development Office	115,000.00
(39)	BUREAU OF PUBLICITY AND INFORMATION:	
	For the salary of the Director	12,000.00
	For other salaries	35,500.00
	For other expenses	40,000.00
	For equipment purchases ...	1,000.00
	For Mobile Junior Miss Pageant	14,250.00
	For Guntersville Boat Races	9,500.00
	For the Blue and Gray Football Game	10,000.00
	For the Lake Eufaula Festival	10,000.00
	For Promotion of Ava Maria Grotto	2,500.00
	<hr/>	
	Total	134,750.00

(40) DEPARTMENT OF PUBLIC SAFETY:

For the fiscal year ending
September 30, 1970:

For the salary of the Director	14,000.00
For other salaries	6,150,000.00
For other expenses	1,370,000.00
For Workmen's Compensation Insurance, Estimated	60,000.00
For equipment purchases ..	100,000.00
For automotive equipment purchases	700,000.00

Total	8,394,000.00
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For the fiscal year ending
September 30, 1971:

For the salary of the Director	14,000.00
For other salaries	6,260,000.00
For other expenses	1,420,000.00
For Workmen's Compensation Insurance — Estimated	60,000.00
For equipment purchases ..	100,000.00
For automotive equipment purchases	700,000.00

Total	8,554,000.00
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(41) DEPARTMENT OF REVENUE:

(a) For transfer to the Department of Revenue for the General Fund share of the cost of operating the Department,

For the fiscal year ending September 30, 1970	763,488.00
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For the fiscal year ending September 30, 1971	796,944.00
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For the fiscal year ending September 30, 1971, only, con- ditional upon the condition of the State treasury and with the approval of the Governor	1,000,000.00
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(b) Boards of Equaliza-
tion:

For salaries of the members and em- ployees of the county boards of equalization	120,000.00	
For other expenses	3,200.00	
	<hr/>	
Total		123,200.00

(42) OFFICE OF SECRETARY
OF STATE:

(a) For the fiscal year end-
ing September 30,
1970:

For the salary of the Secretary of State ...	15,000.00	
For other salaries	43,800.00	
For other expenses	8,000.00	
For equipment pur- chases	1,000.00	
	<hr/>	
Total		67,800.00

For the fiscal year end-
ing September 30,
1971:

For salary of the Sec- retary of State	15,000.00	
For other salaries	45,400.00	
For other expenses	8,000.00	
For equipment pur- chases	1,000.00	
	<hr/>	
Total		69,400.00

(b) Uniform Commercial
Code:

For the fiscal year
ending September
30, 1970:

For other salaries	30,500.00
For other expenses	8,000.00
For equipment purchases	6,000.00

Total	44,500.00
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For the fiscal year ending
September 30,
1971:

For other salaries	32,000.00
For other expenses	8,000.00
For equipment purchases	1,000.00

Total	41,000.00
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(43) SECURITIES
COMMISSION:

For salaries	67,800.00
For other expenses	5,000.00
For equipment purchases	2,500.00
For automotive equipment purchases	2,500.00

Total	77,800.00
-------------	-----------

(44) SOCIAL SECURITY AD-
MINISTRATION:

For the fiscal year ending
September 30, 1970:

For salaries	74,400.00
For other expenses	15,500.00
For equipment purchases	1,000.00

Total	90,900.00
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For the fiscal year ending
September 30, 1971:

For other salaries	75,800.00
For other expenses	15,500.00
For equipment purchases	500.00

Total	91,800.00
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(45) STATE SOVEREIGNTY
COMMISSION:

To carry out the provisions of Act No. 514 of the 1963 Regular Session	50,000.00
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(46) SPORTS HALL OF FAME
BOARD:

To carry out provisions of Act No. 225, 1967 Regular Session	25,000.00
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(47) STATE TOXICOLOGIST:

For the fiscal year ending
September 30, 1970:

For the salary of the State Toxicologist	15,000.00	
For other salaries	234,000.00	
For other expenses	40,000.00	
For equipment purchases.....	4,000.00	
For automotive equipment purchases	11,000.00	
	<hr/>	
Total		304,000.00

For the fiscal year ending
September 30, 1971:

For the salary of the State Toxicologist	15,000.00	
For other salaries	250,000.00	
For other expenses	40,000.00	
For equipment purchases.....	4,000.00	
For automotive equipment purchases	11,000.00	
	<hr/>	
Total		320,000.00

Provided, however, that the
appropriations hereinabove
made to the State Toxicol-
gist shall not be released
for expenditure if any of
the present offices or sub-
offices of the Toxicologist
are closed.

(48) OFFICE OF THE STATE
TREASURER:

For the fiscal year ending
September 30, 1970:

For the salary of the State Treasurer	15,000.00
For other salaries	185,000.00
For other expenses	53,000.00
For equipment purchases ...	6,500.00

Total	259,500.00
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For the fiscal year ending
September 30, 1971:

For the salary of the State Treasurer	15,000.00
For other salaries	194,000.00
For other expenses	55,000.00
For equipment purchases ...	6,500.00
For automotive equipment purchases	2,500.00

Total	273,000.00
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(49) UNIVERSITY OF ALA-
BAMA UNIVERSITY
HOSPITAL & CLINICS:

For operation and mainten- ance	1,000,000.00
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(50) DEPARTMENT OF VET-
ERANS' AFFAIRS:

For the fiscal year ending
September 30, 1970:

For the salary of the Serv- ice Commissioner	13,000.00
For other salaries	691,500.00
For other expenses	50,000.00
For equipment purchases ...	1,000.00
For automotive equipment purchases	4,000.00
For Contract with Veterans of Foreign Wars Organi- zation	22,150.00
For Contract with Disabled American Veterans Or- ganization	5,550.00

Total	787,200.00
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For the fiscal year ending
September 30, 1971:

For the salary of the Service Commissioner	13,000.00	
For other salaries	732,200.00	
For other expenses	50,000.00	
For equipment purchases ...	1,000.00	
For automotive equipment purchases	4,000.00	
For Contract with Veterans of Foreign Wars Organization	22,150.00	
For Contract with Disabled American Veterans Organization	5,550.00	
Total		827,900.00

(51) FIRST WHITE HOUSE OF
THE CONFEDERACY:

For salaries and other expenses	8,500.00
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B. DEVELOPMENT AND CON-
SERVATION OF NATURAL
RESOURCES:

(1) DEPARTMENT OF AGRI-
CULTURE AND INDUS-
TRIES:

For transfer to the Agricul-
tural Fund for salaries, oth-
er expenses and equipment
purchases for the Depart-
ment of Agriculture and
Industries:

For the fiscal year ending September 30, 1970	1,820,860.00
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For the fiscal year ending September 30, 1971	1,880,720.00
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(2) AGRICULTURE CENTER
BOARD:

For transfer to the Agri- culture Center Board for salaries and other expenses	29,350.00
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(3) DEPARTMENT OF CON-
SERVATION:

- (a) For transfer to Department of Conservation — State Forestry Fund — For salaries, other expenses and equipment purchases for the Division of State Forestry:

For the fiscal year ending September 30, 1970	827,000.00
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For the fiscal year ending September 30, 1971	1,093,000.00
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- (b) For transfer to Department of Conservation — State Land Funds — For salaries, other expenses and equipment purchases for the State Lands Division...
- | | |
|--|-----------|
| | 33,000.00 |
|--|-----------|

(4) FORT MORGAN HISTORICAL COMMISSION:

For salaries	29,800.00
For other expenses	13,100.00
For equipment purchases ...	1,500.00

Total	44,400.00
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(5) GEOLOGICAL SURVEY:

For the fiscal year ending September 30, 1970:

For the salary of the State Geologist	14,000.00
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For other salaries	255,800.00
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For other expenses	75,000.00
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For equipment purchases ...	5,000.00
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For automotive equipment purchases	7,500.00
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For matching Federal funds for investigation of the surface water and ground water resources of the State	137,500.00
---	------------

For matching Federal funds for topographic mapping	25,000.00	
For test drilling	20,000.00	
	<hr/>	
Total		539,800.00

For the fiscal year ending
September 30, 1971:

For the salary of the State Geologist	14,000.00	
For other salaries	256,500.00	
For other expenses	75,000.00	
For equipment purchases ...	5,000.00	
For automotive equipment purchases	7,500.00	
For matching Federal funds for investigation of the surface water and ground water resources of the State	137,500.00	
For matching Federal funds for topographic mapping	25,000.00	
For test drilling	20,000.00	
	<hr/>	
Total		540,500.00

(6) OIL AND GAS BOARD:

For the fiscal year ending
September 30, 1970:

For salaries	229,700.00	
For other expenses	65,000.00	
For equipment purchases ...	3,000.00	
For automotive equipment purchases	2,000.00	
For salaries, other expenses and equipment purchases to be allotted upon opening of New Oil and Gas Fields	20,000.00	
	<hr/>	
Total		319,700.00

For the fiscal year ending
September 30, 1971:

For salaries	247,500.00
For other expenses	65,000.00
For equipment purchases ...	3,000.00

For automotive equipment purchases	2,000.00
For salaries, other expenses and equipment purchases to be allotted upon opening of New Oil and Gas Fields	20,000.00

Total	337,500.00
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(7) STATE SOIL CONSERVATION COMMITTEE:

For salaries	30,900.00
For other expenses	50,000.00
For equipment purchases ..	500.00
For Watershed Planning Party	40,000.00
Soil and Water Conservation District — Watershed Planning Funds	35,000.00

Total	156,400.00
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(8) WATERSHED CONSERVANCY DISTRICTS:

(1) Bear Creek Watershed	25,000.00
(2) Choccolocco Watershed	4,000.00
(3) Crooked Creek Watershed	2,500.00
(4) Ketchepedrakee Watershed	2,500.00
(5) Line Creek Watershed	2,000.00
(6) Terrapin Creek Watershed	10,000.00

HOSPITAL AND CORRECTIONAL FUNCTIONS:

(1) ARREST OF ABSCONDING FELONS:

For expenses incident to the arrest of absconding felons, estimated	2,000.00
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(2) BOARD OF CORRECTIONS:

For transfer to Board of Corrections:

For the fiscal year ending September 30, 1970	4,830,000.00
For the fiscal year ending September 30, 1971	4,850,000.00
(3) FEEDING OF PRISON- ERS:	
For expenses of feeding prisoners in county jails, estimated	1,000,000.00
(4) JUVENILE PROBATION OFFICERS:	
Estimated	150,000.00
(To carry out the provi- sions of Act No. 880, 1965 Reg. Sess.)	
(5) MENTAL HEALTH:	
For transfer to Special Mental Health Fund:	
For the fiscal year ending September 30, 1970	14,250,000.00
For the fiscal year ending September 30, 1971	14,750,000.00
(6) BOARD OF PARDONS AND PAROLES:	
For the fiscal year ending September 30, 1970:	
For salaries of Board Mem- bers	45,000.00
For other salaries	978,800.00
For other expenses	121,000.00
For equipment purchases ...	7,000.00
For automotive equipment purchases	7,000.00
Total	1,158,800.00
For the fiscal year ending September 30, 1971:	
For salaries of Board Mem- bers	45,000.00
For other salaries	1,010,000.00
For other expenses	121,000.00

For equipment purchases ...	7,000.00
For automotive equipment purchases	7,000.00

Total	1,190,000.00
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(7) REMOVAL OF PRISONERS:

For expenses incident to removal of prisoners, estimated	65,000.00
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DEBT SERVICE:

- (1) For the payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII:

For the fiscal year ending September 30, 1970	268,675.00
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For the fiscal year ending September 30, 1971	267,450.00
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- (2) For the payment of principal and interest on bonds issued for hospital construction pursuant to Constitutional Amendment No. CXXI and Constitutional Amendment No. CLVIII:

For the fiscal year ending September 30, 1970	225,692.50
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For the fiscal year ending September 30, 1971	230,025.00
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- (3) For interest on Spanish American War Veterans Fund, estimated

294.86

- (4) For the payment of principal and interest due on bonds issued by State Docks — Inland Waterways, pursuant to Consti-

tutional Amendment No.
CXVI:

For the fiscal year ending
September 30, 1970 927,417.50

For the fiscal year ending
September 30, 1971 940,273.75

- (5) For the payment of principal and interest due on bonds issued for the Space Exhibit Commission pursuant to Constitutional Amendment No. CCXXIV:

For the fiscal year ending
September 30, 1970 227,580.00

For the fiscal year ending
September 30, 1971 226,280.00

E. MISCELLANEOUS:

- | | |
|---|------------|
| (1) Alabama Academy of Honor
(Pursuant to provisions of
Act No. 15, Third Special
Session 1965) | 2,000.00 |
| (2) For advertising lands for
tax sale, estimated | 12,000.00 |
| (3) Alabama Agricultural and
Industrial Exhibit Commission | 32,500.00 |
| (4) Appalachain Regional Development Program: | |
| For the fiscal year ending
September 30, 1970 | 113,673.75 |
| For the fiscal year ending
September 30, 1971 | 87,891.25 |
| (5) For payment of Attorneys
fees in indigent capital
cases (as provided in Act
No. 176, 1947 Acts, page
61), estimated | 35,000.00 |
| (6) Automatic Appeal Expense
as provided in 1943 Acts
of Legislature, page 217,
estimated | 3,000.00 |

(7) For Civil Court Cost in connection with Ad Valorem tax assessment appeals, estimated	100.00
(8) Council of State Governments	21,625.00
(9) For Court Costs to be paid by the State of Alabama, pursuant to Act No. 558, 1957 Acts, page 777, estimated	240,000.00
(10) For Court Costs to be paid by the State of Alabama not otherwise provided for, estimated	65,000.00
(11) Departmental Emergency Fund	150,000.00
This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.	
(12) Department of Finance — Mail and Supply Room:	
For the fiscal year ending September 30, 1970	35,000.00
(13) For distribution of public documents, estimated	9,000.00
(14) Election expenses, estimated:	
For the fiscal year ending September 30, 1970	400,000.00
For the fiscal year ending September 30, 1971	500,000.00
This appropriation made pursuant to provisions of Act No. 160, 1955 Acts, page 407, for costs and expenses of elections.	

(15) State Employees Insurance:	
To pay the State's share of the State Employees In- surance Program, esti- mated	225,000.00
(16) Employees' Retirement	
Fund State's part, esti- mated	1,000,000.00
(17) For expenses of Governor's	
Proclamations, estimated	100,000.00
(18) National Governor's Con-	
ference	6,000.00
(19) Governor's Retirement, es-	
timated	9,000.00
(20) For Helen Keller Home:	
For Operation and Mainte- nance	2,500.00
(21) Interpreter's Account, es-	
timated	100.00
(To carry out provisions of Act No. 799, 1965 Reg. Sess.)	
(22) Southern Interstate Nu-	
clear Board	8,902.00
(23) Law Enforcement Legal	
Defense, estimated	10,000.00
(To carry out provisions of Act No. 259, Regular Ses- sion 1967)	
(24) Alabama Law Institute	75,000.00
(25) For Mailing Tax Notices,	
estimated	5,000.00
(26) For Alabama Mountain	
Lakes Association	5,000.00
(27) Purchase Code Pocket Sup-	
plement,	
For the fiscal year ending September 30, 1970, es- timated	60,000.00

(28) For printing of State and County Privilege Licen- ses, estimated	7,500.00
(29) Southern Regional Educa- tional Board	8,000.00
(30) For Registration of Voters, estimated	150,000.00
(31) For State's share of Social Security, estimated	
For the fiscal year ending September 30, 1970	450,000.00
For the fiscal year ending September 30, 1971	500,000.00
(32) For Spanish War Veterans and Widows Encamp- ment	1,000.00
(33) For Tallacoosa Highland Lake Association	5,000.00
(34) Telephone Revolving Fund:	
For the fiscal year ending September 30, 1970	10,000.00
(35) Tennessee River Develop- ment Authority	5,000.00
(36) Tennessee-Tombigbee Waterway Development Authority	80,000.00
(To carry out the provis- ions of Act No. 355, 1957 Reg. Sess., approved Au- gust 23, 1957.)	
(37) Commission on Uniform State Laws	4,000.00
Total amount appropriated by Act No. 926, Acts 1951, page 1575, for ex- penses, operation and contributions of Commis- sion.	
(38) For Matching Federal Funds not otherwise pro- vided for, conditional up-	

on the condition of the
State treasury and with
the approval of the Gov-
ernor

100,000.00

(39) CIVIL AIR PATROL:

For the fiscal year ending
September 30, 1970:

For salaries	4,400.00
For other expenses	11,600.00
For equipment purchases ...	9,000.00

Total	25,000.00
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For the fiscal year ending
September 30, 1971:

For salaries	4,400.00
For other expenses	16,100.00
For equipment purchases ...	4,500.00

Total	25,000.00
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**(40) ALABAMA SPACE SCI-
ENCE EXHIBIT COMMIS-
SION:**

For operation and mainten-
ance,

For the fiscal year ending September 30, 1970	120,000.00
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(This appropriation to be
conditional upon the condi-
tion of the State treasury
and with the approval of
the Governor.)

(41) Coosa-Alabama Develop- ment Authority	12,500.00
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(42) Alabama State Steer Show Association	10,000.00
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(The above appropriation
to be administered by the
Department of Agriculture
and Industries in conjunc-
tion with the Alabama
State Steer Show Associa-
tion in the promotion and

development of livestock
exhibits.

F. FROM FUNDS OTHER THAN
GENERAL FUND:

(1) ALABAMA S T A T E
BOARD OF PUBLIC AC-
COUNTANCY:

For salaries, other expenses and equipment purchases	24,000.00
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In addition to the amount
appropriated hereinabove
to the Alabama State
Board of Public Account-
ancy, there is hereby
appropriated such an a-
mount as may be neces-
sary to pay the refund of
any applications for li-
cense which may have
been rejected by the
Board or withdrawn by
request of applicant.

The above appropriations
are payable out of funds
in the State Treasury
to the credit of the Ala-
bama State Board of
Public Accountancy Fund.

(2) AERONAUTICS DEPART-
MENT:

For the fiscal year ending
September 30, 1970:

For the salary of Director...	12,000.00
For other salaries	46,500.00
For other expenses	25,412.00
For equipment purchases ...	1,500.00

Total	85,412.00
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For State Aid for Airports — For Airports and Air- markings	350,000.00
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For the fiscal year ending
September 30, 1971:

1805

For salary of the Director	12,000.00	
For other salaries	47,700.00	
For other expenses	25,412.00	
For equipment purchases ...	1,500.00	
For automotive equipment purchases	2,500.00	
	<hr/>	
Total		89,112.00

For State Aid for Airports — For Airports and Air- markings		350,000.00
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The above appropriation to Aeronautics Department shall be paid from the State Airports Development Fund as provided by Act No. 402, Acts 1945, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(3) AGRICULTURE AND INDUSTRIES:

(a) For the fiscal year ending September 30, 1970:

For the salary of the Commissioner	15,000.00
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For other salaries, other expenses, equipment purchases, and automotive equipment purchases	2,761,300.00
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(Provided that not more than \$60,000.00 shall be used for automotive equipment purchases.)

For transfer to Agricultural Center Board for rental (Livestock Coliseum)	62,550.00
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For transfer to the State Personnel De- partment	5,310.00	
Total		2,844,160.00
For the fiscal year end- ing September 30, 1971:		
For the salary of the Commissioner	15,000.00	
For other salaries, oth- er expenses, equip- ment purchases, and automotive equip- ment purchases	2,813,300.00	
(Provided that not more than \$60,000.- 00 shall be used for automotive equip- ment purchases.)		
For transfer to Agri- cultural Center Board for rental (Livestock Coliseum)	61,200.00	
For transfer to the State Personnel De- partment	5,520.00	
Total		2,895,020.00
The above appropria- tions are payable from funds in the Agricultural Fund and shall include the appropriations made to said fund in III B (1).		
The above appropria- tions for other sal- aries, other expen- ses, equipment pur- chases and automot- ive equipment pur- chases shall be used for the operation		

and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables, for awarding prizes and premiums, and any other services connected with the operations of Agriculture and Industries in the State of Alabama.

Any surplus remaining in the Agricultural Fund at the end of a fiscal year in excess of \$100,000.00 shall be transferred to the State General Fund.

(b) Egg Inspection Division:

For salaries	59,400.00
For other expenses	28,000.00
For equipment purchases	200.00
For automotive equipment purchases	3,800.00
Total	<hr/>

91,400.00

The above appropriations are payable from funds in the Egg Inspection Fund and the total expenditures shall in no

manner exceed the amounts hereby appropriated.

(c) 1. Agriculture Center Board:

For the fiscal year ending
September 30, 1970:

For salaries	21,700.00	
For other expenses	6,000.00	
For rental (Livestock Coliseum, Montgomery)	62,550.00	
	<hr/>	
Total		90,250.00

For the fiscal year ending
September 30, 1971:

For salaries	21,700.00	
For other expenses	6,000.00	
For rental (Livestock Coliseum, Montgomery)	61,200.00	
	<hr/>	
Total		88,900.00

The above appropriation to the Agriculture Center Board shall be paid out of the Agricultural Center Board Fund and includes the appropriation made to said fund as provided in III B (2) and III F (3).

2. Livestock Coliseum:

For the fiscal year ending
September 30, 1970:

For salaries	48,700.00	
For other expenses	57,250.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	3,000.00	
For repairs to Coliseum	12,000.00	
	<hr/>	
Total		123,950.00

For the fiscal year ending
September 30, 1971:

For salaries	50,000.00
For other expenses	57,250.00

For equipment purchases ...	3,500.00	
For automotive equipment purchases	2,500.00	
<hr/>		
Total		113,250.00

The funds hereinabove appropriated to the Agricultural Center Board for the Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation hereinabove includes the appropriation made to said Fund as provided in III A (30).

(d) Shipping Point Inspection Fund:

There is hereby appropriated, out of receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956).

For Shipping Point Inspection work performed by the Department of Agriculture and Industries for the payment of salaries, other expenses, equipment purchases and automotive equipment purchases all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing

weight certificates to be used for the sale of agricultural commodities, (provided that automotive equipment purchases shall not exceed the sum of \$2,000.00 for each of the fiscal years ending September 30, 1970, and September 30, 1971.)

(4) ALCOHOLIC BEVERAGE CONTROL BOARD:

(a) Administrative and Stores Division:

For the fiscal year ending September 30, 1970:

For the salary of the Administrator	15,000.00
For other salaries	5,831,000.00
For other expenses (Transportation cost for merchandise excluded)	1,363,316.00
For equipment purchases	73,764.00
For automotive equipment purchases	2,500.00
Awards for Convictions, estimated	3,000.00
For transfer to State Personnel Department	19,900.00
For transfer to Mental Health Department	300,000.00
For transfer to Education Department for Temperance Education	46,936.00
For transportation cost on merchandise, estimated...	240,000.00

Total Estimated	7,895,416.00
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For the fiscal year ending September 30, 1971:

For the salary of the Administrator	15,000.00
For other salaries	6,000,000.00
For other expenses (Transportation cost for merchandise excluded)	1,427,516.00

For equipment purchases ...	56,000.00	
For automotive equipment purchases	2,500.00	
Awards for Convictions, estimated	3,000.00	
For transfer to State Personnel Department	20,660.00	
For transfer to Mental Health Department	300,000.00	
For transfer to Education Department for Temperance Education	46,936.00	
For transportation cost on merchandise, estimated...	247,000.00	
<hr/>		
Total Estimated		8,118,612.00

In addition to the above appropriations herein made there is hereby appropriated for each additional retail store put into operation during each fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an

economic and successful
sales operation.

(b) Law Enforcement Division:

For the fiscal year ending
September 30, 1970:

For salaries	1,070,000.00
For other expenses	276,250.00
For equipment purchases ...	7,000.00
For automotive equipment purchases	50,000.00

Total	1,403,250.00
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For the fiscal year ending
September 30, 1971:

For salaries	1,086,000.00
For other expenses	293,750.00
For equipment purchases ...	7,000.00
For automotive equipment purchases	50,000.00

Total	1,436,750.00
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The appropriations herein-
above made (a) and (b)
to the Alcoholic Bever-
age Control Board are
made from the gross pro-
ceeds derived from the
sale of alcoholic bever-
ages by the Alcoholic
Beverage Control Board.

(c) Beer Tax and Licenses
Division:

For the fiscal year ending
September 30, 1970:

For salaries	377,500.00
For other expenses	139,640.00
For equipment purchases ...	2,000.00
Total	519,140.00

For the fiscal year ending
September 30, 1971:

For salaries	415,800.00
For other expenses	149,440.00

For equipment purchases ...	2,000.00	
Total		567,240.00

In addition to the above appropriation it is further provided that, in the event any county or municipality of the State shall, during either of the fiscal periods covered by this appropriation by proper referendum authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during either of the fiscal periods covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

- (5) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	6,420.00
For other expenses	12,500.00
For equipment purchases ...	500.00

Total	19,420.00
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The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(6) ARMORY COMMISSION:

For the fiscal year ending
September 30, 1970:

For salaries	360,600.00
For other expenses	355,300.00
For equipment purchases ...	13,200.00
For automotive equipment purchases	11,800.00

Total	740,900.00
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For the fiscal year ending
September 30, 1971:

For salaries	370,200.00
For other expenses	355,300.00
For equipment purchases ...	13,200.00
For automotive equipment purchases	11,800.00

Total	750,500.00
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The funds hereinabove appropriated to the Armory Commission shall be paid out of the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care and maintenance of armories as provided in

Item III A (32) (d) in
this Act.

Provided, however, that the
last Federal Government
service contract reim-
bursement for either of
the fiscal years shall not
revert to the State Gen-
eral Fund.

(7) ALABAMA COUNCIL
ON THE ARTS:

For salaries, other expen- ses, and equipment pur- chases, Estimated	50,000.00
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The funds hereinabove ap-
propriated to the Ala-
bama Council on the Arts
shall be paid out of the
Council on the Arts Fund
and the appropriation
hereinabove made in-
cludes the appropriation
made in Section III, A
(7).

(8) OFFICE OF THE ATTOR-
NEY GENERAL:

For the fiscal year ending
September 30, 1970:

For the salary of the At- torney General	18,000.00
For salary of the Deputy Attorney General	17,000.00
For salary of the Executive Assistant	15,000.00
For other salaries	412,000.00
For other expenses	100,000.00
For equipment purchases ...	5,000.00

Total	567,000.00
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For the fiscal year ending
September 30, 1971:

For the salary of the At- torney General	18,000.00
For salary of the Deputy Attorney General	17,000.00

For salary of the Executive Assistant	15,000.00	
For other salaries	438,000.00	
For other expenses	100,000.00	
For equipment purchases ...	5,000.00	
	<hr/>	
Total		593,000.00

The above appropriations shall be paid from funds transferred to, or received by, the Office of the Attorney General provided in this or any other Act.

(9) DEPARTMENT OF BANKING:

For salary of the Director...	15,000.00	
For other salaries	240,800.00	
For other expenses	50,000.00	
For equipment purchases ...	500.00	
For automotive equipment purchases	3,000.00	
	<hr/>	
Total		309,300.00

The above appropriation shall be paid from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session and shall also include the appropriation made in Item III A (10) of this Act.

(10) DEPARTMENT OF BANKING — LOAN EXAMINATION FUND:

For salaries	72,750.00	
For other expenses	18,000.00	
For equipment purchases ...	500.00	
	<hr/>	
Total		91,250.00

The above appropriation shall be paid out of the Loan Examination Fund as provided in Act No. 374, 1959 Regular Session, approved November 6, 1959

and shall also include the appropriation in Section III A (11) of this Act.

(11) ALABAMA STATE BAR ASSOCIATION:

For salaries	46,025.00	
For other expenses	71,600.00	
For equipment purchases ...	1,000.00	
	<hr/>	
Total		118,625.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(12) STATE BOARD OF CHIROPRACTIC EXAMINERS:

For salaries	1,800.00	
For other expenses	4,275.00	
	<hr/>	
Total		6,075.00

The above appropriation shall be paid out of the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(13) CONSERVATION DEPARTMENT:

(a) Administrative Division:

For the fiscal year ending September 30, 1970:

For salary of the Director...	14,000.00	
For other salaries	401,250.00	
For other expenses	140,000.00	
For equipment purchases ...	2,500.00	
For automotive equipment purchases	4,500.00	
For transfer to Personnel Department	14,900.00	

For transfer to Attorney General's Department	15,000.00	
Total		592,150.00

For the fiscal year ending
September 30, 1971:

For salary of the Director...	14,000.00	
For other salaries	428,000.00	
For other expenses	140,000.00	
For equipment purchases ...	4,500.00	
For automotive equipment purchases	2,500.00	
For transfer to Personnel Department	15,470.00	
For transfer to Attorney General's Department	15,000.00	
Total		619,470.00

The above appropriation
shall be paid out of the De-
partment of Conservation
—Administrative Fund and
includes the appropriations
made to this Division as
provided in this section.

(b) State Forestry Division:

For the fiscal year ending
September 30, 1970:

For salaries	2,327,000.00	
For other expenses	475,000.00	
For equipment purchases ...	15,000.00	
For automotive equipment purchases	85,000.00	
For transfer to Conserva- tion Department — Ad- ministrative Account	212,190.00	
Total		3,114,190.00

For the fiscal year ending
September 30, 1971:

For salaries	2,381,000.00
For other expenses	475,000.00
For equipment purchases ...	15,000.00
For automotive equipment purchases	85,000.00

For transfer to Conservation Department — Administrative Account	212,190.00	
Total		3,168,190.00

The funds hereinabove appropriated to the Forestry Division shall be paid out of the Forestry Fund and the appropriations made to the said fund as provided in Item III, B (3) (a) of this Act.

It is provided that in the event receipts into the Forestry Fund from County appropriations exceed the sum of \$400,000.00 for each of the fiscal years ending September 30, 1970 and September 30, 1971 then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Fund from Federal Funds exceed the sum of \$535,900.00 for the fiscal year ending September 30, 1970 and September 30, 1971, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of Conservation and the Governor, the Director of Conservation with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Division of Forestry.

(c) Game and Fish Division:

For the fiscal year ending
September 30, 1970:

For salaries	1,605,000.00	
For other expenses	760,000.00	
For equipment purchases ...	104,000.00	
For automotive equipment purchases	121,000.00	
For transfer to Conserva- tion Department — Ad- ministrative Account	224,591.00	
	<hr/>	
Total		2,814,591.00

For the fiscal year ending
September 30, 1971:

For salaries	1,685,000.00	
For other expenses	761,000.00	
For equipment purchases ...	95,000.00	
For automotive equipment purchases	117,000.00	
For transfer to Conserva- tion Department — Ad- ministrative Account	224,591.00	
	<hr/>	
Total		2,882,591.00

The funds hereinabove ap-
propriated to the Game and
Fish Division shall be paid
out of the Game and Fish
Fund.

(d) State Lands Division:

For the fiscal year ending
September 30, 1970:

For salaries	55,000.00	
For other expenses	14,000.00	
For equipment purchases ...	3,000.00	
For automotive equipment purchases	2,500.00	
For transfer to Conserva- tion Department — Ad- ministrative Account	5,575.00	
	<hr/>	
Total		80,075.00

For the fiscal year ending
September 30, 1971:

For salaries	56,000.00
For other expenses	16,000.00
For equipment purchases ...	1,200.00

For automotive equipment purchases	4,300.00	
For transfer to Conservation Department — Administrative Account	5,575.00	
	<hr/>	
Total		83,075.00

The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III B (3) (b) of this Act.

(e) State Parks Division:

For the fiscal year ending September 30, 1970:

For salaries	455,000.00	
For other expenses	260,000.00	
For equipment purchases ..	11,000.00	
For automotive equipment purchases	14,000.00	
For transfer to Conservation Department — Administrative Account	88,748.00	
	<hr/>	
Total		828,748.00

For the fiscal year ending September 30, 1971:

For salaries	481,500.00	
For other expenses	260,000.00	
For equipment purchases ..	11,000.00	
For automotive equipment purchases	14,000.00	
For transfer to Conservation Department — Administrative Account	88,748.00	
	<hr/>	
Total		855,248.00

The funds hereinabove appropriated to the State Parks Division shall be paid out of the State Parks Fund.

(f) Seafoods Division:

For the fiscal year ending
September 30, 1970:

For salaries	250,000.00	
For other expenses	105,000.00	
For equipment purchases ...	27,700.00	
For automotive equipment purchases	2,300.00	
For transfer to Conserva- tion Department — Ad- ministrative Account	54,198.00	
For Gulf State Marine Fish- eries Commission	5,000.00	
For entertainment of the Gulf State Fisheries Con- vention	1,200.00	
Total		445,398.00

For the fiscal year ending
September 30, 1971:

For salaries	261,000.00	
For other expenses	110,000.00	
For equipment purchases ...	20,000.00	
For automotive equipment purchases	10,000.00	
For transfer to Conserva- tion Department — Ad- ministrative Account	54,198.00	
For Gulf State Marine Fish- eries Commission	5,000.00	
Total		460,198.00

In addition to the monies hereinabove appropriated, all monies derived from contracts, grants, or other agreements concerning or relating to marine biological research performed or accomplished at the Seafood Division Laboratory at Daphne Island is hereby appropriated to the Division of Seafoods and may be expended by the Director of Conservation on such Seafood Division Programs

or projects which he deems appropriate.

The funds hereinabove appropriated to the Seafood Division shall be paid out of the Seafood Fund.

(g) Water Safety Division:

For the fiscal year ending
September 30, 1970:

For salaries	325,000.00
For other expenses	129,000.00
For equipment purchases ...	33,000.00
For automotive equipment purchases	27,000.00
For transfer to Conserva- tion Department — Ad- ministrative Account	41,698.00

Total	555,698.00
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For the fiscal year ending
September 30, 1971:

For salaries	345,000.00
For other expenses	130,000.00
For equipment purchases ...	22,000.00
For automotive equipment purchases	18,000.00
For transfer to Conserva- tion Department — Ad- ministrative Account	41,698.00

Total	556,698.00
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The funds hereinabove ap-
propriated to the Water
Safety Division shall be
paid out of the State Water
Safety Fund.

(14) STATE LICENSING
BOARD FOR GENERAL
CONTRACTORS:

For the fiscal year ending
September 30, 1970:

For salaries	45,850.00
For other expenses	20,000.00

For equipment purchases ...	2,000.00	
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Total		67,850.00
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For the fiscal year ending
September 30, 1971:

For salaries	46,600.00
For other expenses	20,000.00
For equipment purchases ...	2,000.00

Total	68,600.00
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In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant. The above appropriation is payable out of the funds in the State Treasury to the credit of the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(15) BOARD OF CORRECTIONS:

For the fiscal year ending
September 30, 1970:

For the salary of the Commissioner	15,000.00
For other salaries	3,397,000.00
For other expenses	3,110,000.00
For equipment purchases ...	80,000.00
For automotive equipment purchases	70,000.00
For Debt Service, estimated	63,306.00
For transfer to the State Personnel Department ...	9,780.00

For transfer to the Attorney General's Department	12,400.00	
Total		6,757,486.00

For the fiscal year ending
September 30, 1971:

For the salary of the Commissioner	15,000.00	
For other salaries	3,478,000.00	
For other expenses	3,110,000.00	
For equipment purchases ..	30,000.00	
For automotive equipment purchases	70,000.00	
For transfer to the State Personnel Department ...	10,150.00	
For transfer to the Attorney General's Department	12,400.00	
For Debt Service, estimated	61,272.00	
Total		6,786,822.00

The funds hereinabove appropriated to the Board of Corrections shall be paid out of the Board of Corrections Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III C (2).

(16) ALABAMA BOARD OF
COSMETOLOGY:

For the fiscal year ending September 30, 1970:		
For salaries	72,100.00	
For other expenses	70,000.00	
For equipment purchases ...	825.00	
Total		142,925.00
For the fiscal year ending September 30, 1971:		
For salaries	72,100.00	
For other expenses	70,000.00	

For equipment purchases ...	475.00	
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Total		142,575.00
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The above appropriation shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(17) A L A B A M A S T A T E
DOCKS BOARD:

For transfer to the State
Personnel Department,

For the fiscal year ending September 30, 1970	1,800.00
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For the fiscal year ending September 30, 1971	1,860.00
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The above appropriation shall be paid from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

(18) S T A T E B O A R D O F R E G -
I S T R A T I O N F O R P R O -
F E S S I O N A L E N G I N E E R S
A N D L A N D S U R V E Y O R S :

For the fiscal year ending
September 30, 1970:

For salaries	39,500.00
For other expenses	27,000.00
For equipment purchases ...	4,800.00

Total		71,300.00
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For the fiscal year ending
September 30, 1971:

For salaries	40,000.00
For other expenses	27,000.00
For equipment purchases ...	1,000.00

Total		68,000.00
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The above appropriation is payable out of funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

(19) FARMERS MARKET AUTHORITY:

For the fiscal year ending
September 30, 1970:

For salaries	21,700.00	
For other expenses	12,000.00	
For equipment purchases ...	104.00	
	<hr/>	
Total		33,804.00

For the fiscal year ending
September 30, 1971:

For salaries	21,700.00	
For other expenses	12,000.00	
	<hr/>	
Total		33,700.00

The above appropriations shall be paid from the funds in the State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (17) in this Act.

(20) STATE BOARD OF REGISTRATION FOR FORESTERS:

For the fiscal year ending
September 30, 1970:

For other expenses	2,500.00	
For equipment purchases ...	500.00	
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Total		3,000.00

For the fiscal year ending
September 30, 1971:

For other expenses	2,500.00	
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For equipment purchases ...	700.00	
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Total		3,200.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the Professional Foresters' Fund.

(21) LICENSING BOARD FOR THE HEALING ARTS:

For the fiscal year ending September 30, 1970:

For salaries	28,000.00
For other expenses	4,500.00

Total	32,500.00
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For the fiscal year ending September 30, 1971:

For salaries	28,500.00
For other expenses	4,500.00

Total	33,000.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the Licensing Board for the Healing Arts as provided in Act No. 106, 1959 Regular Session.

(22) HEALTH DEPARTMENT:

(a) Hospital Licensing:

For salaries	27,000.00
For other expenses	10,000.00

Total	37,000.00
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The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include the appropri-

ation made to the said fund as provided in Item III A (21) (h) in this Act.

(b) Bureau of Vital Statistics:

For the fiscal year ending
September 30, 1970:

For salaries	234,650.00	
For other expenses	29,000.00	
For equipment purchases ...	12,000.00	
	<hr/>	
Total		275,650.00

For the fiscal year ending
September 30, 1971:

For salaries	227,400.00	
For other expenses	30,000.00	
For equipment purchases ...	2,000.00	
	<hr/>	
Total		259,400.00

The above appropriation is payable from the funds in the Vital Statistics Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(c) County Health Work:

For salaries, other expenses and equipment purchases, estimated	1,184,000.00
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The above appropriation is payable from the funds transferred to this account in Item III A (21) (c) and funds transferred in Item III F (22) (f) and Item III F (22) (g) in this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(d) Indigent Care:

For salaries	11,770.00	
For distribution to coun- ties, estimated	415,505.00	
Total estimated		427,275.00

The above appropriation is payable from the funds transferred to this account in Item III A (21) (g) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(e) Medicaid:

For the operation of the
Medicaid Program:

For the fiscal year ending September 30, 1970	12,000,000.00
For the fiscal year ending September 30, 1971	17,000,000.00

The above appropriations are payable from the funds transferred to this account in Item III A (21) (i) by this Act. In addition to the above appropriations, any funds received from the Federal Government are hereby appropriated.

(f) Health Department:

For the fiscal year ending
September 30, 1970:

For salaries	711,950.00
For transfer to the County Health Work Account	375,000.00
For study, care and treat- ment of cancer	85,000.00
For a Mosquito Control Project in Baldwin and Mobile Counties:	

For salaries, other expenses and equipment purchases	25,000.00	
Total		1,196,950.00

For the fiscal year ending
September 30, 1971:

For salaries	669,000.00	
For transfer to the County Health Work Account	375,000.00	
For study, care and treatment of cancer	85,000.00	
For a Mosquito Control Project in Baldwin and Mobile Counties:		
For salaries, other expenses and equipment purchases	25,000.00	
Total		1,154,000.00

The above appropriation is payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(g) Health Department:

For the fiscal year ending
September 30, 1970:

For salaries	500,000.00	
For other expenses	562,000.00	
For equipment purchases ...	25,000.00	
For transfer to the County Health Work Account	384,000.00	
For a Mosquito Control Project in Baldwin and Mobile Counties:		
For salaries, other expenses and equipment purchases	25,000.00	
For purchase of drugs for the treatment of tuberculosis	50,000.00	
Total		1,546,000.00

For the fiscal year ending
September 30, 1971:

For salaries	650,000.00	
For other expenses	550,000.00	
For equipment purchases ...	25,000.00	
For transfer to the County Health Work Account	384,000.00	
For a Mosquito Control Project in Baldwin and Mobile Counties:		
For salaries, other expen- ses and equipment pur- chases	25,000.00	
For purchase of drugs for the treatment of tubercu- losis	50,000.00	
Total		1,684,000.00

The above appropriation is payable from the funds transferred to this Account from the General and Mental Health Fund as provided in Act 275, 1967 Regular Session.

(23) HIGHWAY AND BRIDGES:

For the fiscal year ending
September 30, 1970:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compensation of the State Highway Director, \$17,500.00; for transfer to the State Personnel Department the sum of \$89,030.00; for transfer to the Attorney General's Department \$66,600.00; for maintenance and construction of roads and bridges, for salaries, and for other expenses of the Highway De-

partment, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department; and all funds accruing to the Highway Department by virtue of Federal Aid.

For the fiscal year ending
September 30, 1971:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay the same; and for the compensation of the State Highway Director, \$17,500.00; for transfer to the State Personnel Department the sum of \$92,540.00; for transfer to the Attorney General's Department \$66,600.00; for maintenance and construction of roads and bridges, for salaries, and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department; and all funds accruing to the Highway Department; by virtue of Federal Aid.

(24) THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:

For salaries, other expenses and equipment purchases

\$50,000.00

The above appropriation is payable from the funds

transferred to this account in Item III A (22) of this Act. In addition to the above appropriation, any funds received for this work for the several counties, cities or the Federal Government are hereby appropriated.

(25) ALABAMA HISTORICAL COMMISSION:

For the fiscal year ending
September 30, 1970:

For salaries	28,800.00
For other expenses	10,000.00
For equipment purchases ...	500.00
For restoration and preservation of property	25,000.00

Total	64,300.00
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For the fiscal year ending
September 30, 1971:

For salaries	29,650.00
For equipment purchases ...	500.00
For other expenses	10,000.00
For restoration and preservation of property	25,000.00

Total	65,150.00
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The above appropriation shall be paid from the Alabama Historical Commission Fund and shall include appropriation made in Item III A (23) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source are hereby appropriated.

(26) DEPARTMENT OF INDUSTRIAL RELATIONS:

For the fiscal year ending
September 30, 1970:

For the salary of the Director, estimated	17,000.00
For transfer to the State Personnel Department	18,490.00

For the fiscal year ending
September 30, 1971:

For salary of the Director, estimated	17,000.00
For transfer to the State Personnel Department	19,200.00

For other salaries and expenses incident to the operation and management of the Department; for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds, services and operations for which the United States Government may provide monies; there is hereby appropriated, in addition to the amounts appropriated herein in Item III A (26), all such sums as the United States Government may make available therefor.

(27) STATE INSURANCE
FUND:

For the fiscal year ending
September 30, 1970:

For salaries	80,000.00
For other expenses	27,000.00
For automotive equipment purchases	5,400.00

Total	112,400.00
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For the fiscal year ending
September 30, 1971:

For salaries	80,000.00
For other expenses	27,000.00
For equipment purchases ...	500.00

For automotive equipment purchases	5,400.00
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Total	112,900.00
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The above appropriations are payable out of the funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(28) LAW ENFORCEMENT FUND	8,000.00
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The above appropriation shall be paid from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such fund are limited to the amount appropriated herein.

(29) LIQUEFIED PETROLEUM GAS BOARD:

For salary of Director	11,000.00
For other salaries	27,600.00
For other expenses	15,542.00
For equipment purchases ...	1,050.00
For automotive equipment purchases	2,600.00

Total	57,792.00
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The above appropriation shall be paid from receipts paid into the Liquefied Petroleum Gas Fund.

(30) SPECIAL MENTAL HEALTH FUND:

(a) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Con-

stitutional A m e n d-
ment No. CXLI,

For the fiscal year ending September 30, 1970	195,962.50
For the fiscal year ending September 30, 1971	197,181.25
(b) To Auburn University, Psychology Department, for the training of psychologists	5,500.00
(c) To the State Mental Health Department: For operation and maintenance, For the fiscal year ending September 30, 1970	16,628,537.50
For the fiscal year ending September 30, 1971	17,432,318.75
(d) To the State Mental Health Department, to provide drugs to medically indigent mental patients not hospitalized at the time of receiving drugs at the Alabama State Hospitals	200,000.00
(e) To the Board of Trustees of the University of Alabama: For the Medical College of Alabama, for salaries, stipends and scholarships in psychiatry; for the training of professional mental health personnel and psychiatric nurses, and for state indigent mental patients	1,585,000.00

- | | |
|--|------------|
| (f) To University of Alabama, Psychological Clinic for the training of psychologists | 100,000.00 |
| (g) To the Board of Corrections for construction of a psychiatric building at the medical and diagnostic center at Mount Meigs | 500,000.00 |

(The above appropriation is conditional upon the condition of the Special Mental Health Fund and with the approval of the Governor.)

The appropriations herein made shall be paid from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.

(31) STATE DEPARTMENT
OF MENTAL HEALTH:

For the fiscal year ending
September 30, 1970:

For transfer to the State Personnel Department ...	56,120.00
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For the fiscal year ending
September 30, 1971:

For transfer to the State Personnel Department	58,270.00
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For the support, maintenance and capital expenditures the several sums appropriated by Items III F (4) (a) and III F (30) (c) (d) of this Act and the amounts provided in Act No. 654, 1965 Regular Session and Act No. 275, 1967 Regular Session, are hereby ap-

propriated. Expenditures to be made at the direction of the Alabama Mental Health Board.

(32) ALABAMA MILK CONTROL BOARD:

For salaries	109,500.00
For other expenses	55,000.00
For equipment purchases ..	1,500.00

Total	166,000.00
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The above appropriation shall be paid out of the Milk Control Board Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(33) BOARD OF NURSES' EXAMINERS AND REGISTRATION:

For the fiscal year ending September 30, 1970:

For salaries	71,600.00
For other expenses	43,000.00
For automotive equipment purchases	2,500.00

Total	117,100.00
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For the fiscal year ending September 30, 1971:

For salaries	71,600.00
For other expenses	46,700.00

Total	118,300.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(34) PENSIONS:

- (a) For Confederate Veterans and their widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(35) DEPARTMENT OF PENSIONS AND SECURITY:

For the fiscal year ending
September 30, 1970:

For the salary of the Commissioner	14,000.00
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For transfer to the State Personnel Department	34,270.00
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For the fiscal year ending
September 30, 1971:

For the salary of the Commissioner	14,000.00
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For transfer to the State Personnel Department	35,580.00
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For other salaries and expenses incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated, in addition to the amounts set out in Item III A (34), all Federal, State, County and Municipal funds made available therefor, provided that not more than the sum of \$7,900,000.00 for each of the fiscal years ending September 30, 1970 and September 30, 1971, of the State funds herein appropriated for welfare purposes may be used

for administrative purposes of the Department, including employer's contribution to the Federal old age, survivors and disability insurance program; provided, further, that not more than twenty-seven and one-half per centum of the State funds appropriated herein for welfare purposes may be allotted in any one quarter of a fiscal year.

(36) PERSONNEL DEPARTMENT:

For the fiscal year ending
September 30, 1970:

For salary of the Director...	13,000.00	
For other salaries	233,400.00	
For other expenses	62,500.00	
For equipment purchases ...	2,000.00	
Total		310,900.00

For the fiscal year ending
September 30, 1971:

For salary of the Director...	13,000.00	
For other salaries	243,100.00	
For other expenses	62,500.00	
For equipment purchases ...	2,000.00	
Total		320,600.00

The above appropriations shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(37) ALABAMA PROGRAM DEVELOPMENT OFFICE:

For salaries, other expenses and equipment purchases	115,000.00
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The above appropriation shall be paid from Alabama Program Development Office Fund and shall include appropriations made in Item III A (38) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Program Development Office from whatever source are hereby appropriated.

(38) BUREAU OF PUBLICITY
AND INFORMATION:

For the fiscal year ending
September 30, 1970:

For salaries	29,300.00
For other expenses	33,634.00
For automotive equipment purchases	4,000.00
For advertising	350,000.00

Total	416,934.00
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For the fiscal year ending
September 30, 1971:

For salaries	31,400.00
For other expenses	35,648.00
For advertising	350,000.00
For Welcome Centers: Operation and Maintenance	50,000.00

Total	467,048.00
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The above appropriation shall be paid from the receipts collected under the provisions of Act No. 269, 1963 Regular Session.

(39) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable pro-

perty in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four per cent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(40) PUBLIC SERVICE COMMISSION:

For the fiscal year ending
September 30, 1970:

For salary of the President and Two Associate Commissioners	54,500.00
For other salaries	344,250.00
For other expenses	137,500.00
For equipment purchases ..	3,000.00
For automotive equipment purchases	34,500.00

Total	573,750.00
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For the fiscal year ending
September 30, 1971:

For salary of the President and Two Associate Commissioners	54,500.00
For other salaries	371,000.00
For other expenses	142,500.00
For equipment purchases ..	2,000.00
For automotive equipment purchases	15,000.00

Total	585,000.00
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The above appropriations to the Alabama Public Service Commission shall be payable only out of inspec-

tion and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission.

Any surplus remaining in the Alabama Public Service Commission at the end of a fiscal year in excess of \$100,000.00 shall be transferred to the State General Fund.

(41) ALABAMA REAL ESTATE COMMISSION:

For the fiscal year ending
September 30, 1970:

For salaries	32,600.00	
For other expenses	26,784.00	
For equipment purchases ...	800.00	
	<hr/>	
Total		60,184.00

For the fiscal year ending
September 30, 1971:

For salaries	32,600.00	
For other expenses	26,784.00	
For equipment purchases ...	500.00	
	<hr/>	
Total		59,884.00

The above appropriation shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, of the Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(42) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (41) (a) of this Act.

For the fiscal year ending September 30, 1970	763,488.00
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For the fiscal year ending September 30, 1971	796,944.00
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For the fiscal year ending September 30, 1971, only, conditional upon the condition of the General Fund and with the approval of the Governor	1,000,000.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970	84,040.00
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For the fiscal year ending September 30, 1971	87,717.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970	85,625.00
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For the fiscal year ending September 30, 1971	89,373.00
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There is hereby appropriated for transfer to Reve-

nue Department, Administrative Account, from the gross proceeds of Gasoline Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970	563,695.00
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For the fiscal year ending September 30, 1971	588,374.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account, from Income Tax collections, for the cost of collecting said tax,

For the fiscal year ending September 30, 1970	1,871,846.00
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For the fiscal year ending September 30, 1971	1,953,795.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Fuel Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970	325,849.00
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For the fiscal year ending September 30, 1971	340,114.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Vehicle License collections as part of cost of operating said Department,

For the fiscal year ending September 30, 1970	329,812.00
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For the fiscal year ending September 30, 1971	344,252.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax,

For the fiscal year ending September 30, 1970	99,895.00
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For the fiscal year ending September 30, 1971	104,269.00
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There is hereby appropriated for transfer to Revenue Department Administrative Account, from the Public School Fund as part of the cost of collection of the 3-Mill Ad Valorem Tax,

For the fiscal year ending September 30, 1970	248,152.00
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For the fiscal year ending September 30, 1971	259,016.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Sales Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970	2,604,414.00
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For the fiscal year ending September 30, 1971	2,718,432.00
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There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Store License Tax collections as part of the cost of operating said Department,

For the fiscal year ending September 30, 1970	49,155.00
For the fiscal year ending September 30, 1971	51,307.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Tobacco Tax collections as part of the cost of operating said Department,	
For the fiscal year ending September 30, 1970	536,740.00
For the fiscal year ending September 30, 1971	560,237.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Use Tax collections as part of the cost of operating said Department,	
For the fiscal year ending September 30, 1970	256,873.00
For the fiscal year ending September 30, 1971	268,120.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Cigarette Tax collections Act 275, 1967 Regular Session as part of the cost of operating said Department,	
For the fiscal year ending September 30, 1970	108,616.00
For the fiscal year ending September 30, 1971	113,370.00
There is hereby appropriated for transfer to Rev-	

Revenue Department, Administrative Account, from the gross proceeds of the Utility Tax collections as provided in Act No. 37, 1969 Special Session	175,000.00
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For the fiscal year ending September 30, 1970:	
Total	8,103,200.00

For the fiscal year ending September 30, 1971:	
Total	8,450,320.00

For the fiscal year ending September 30, 1971, only, conditional upon the condition of the funds transferred to the Revenue Department and with the approval of the Governor:	
Total	1,000,000.00

There is hereby appropriated to the Revenue Department from the gross proceeds of Motor Vehicle License collections for the purchase only, of Motor Vehicle License tags,

For the fiscal year ending September 30, 1970	1,115,000.00
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For the fiscal year ending September 30, 1971	1,160,000.00
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(43) DEPARTMENT OF REVENUE—

ADMINISTRATIVE ACCOUNT:

For the fiscal year ending September 30, 1970:

For the salary of the Commissioner	17,000.00
For other salaries	5,705,000.00
For other expenses	1,778,100.00
For equipment purchases ...	28,500.00

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For automotive equipment purchases	12,500.00	
For transfer to State Personnel Department	12,600.00	
	<hr/>	
Total		7,553,700.00

For the fiscal year ending
September 30, 1971:

For the salary of the Commissioner	17,000.00	
For other salaries	5,991,300.00	
For other expenses	1,812,250.00	
For equipment purchases ...	29,070.00	
For automotive equipment purchases	12,500.00	
For transfer to State Personnel Department	13,100.00	
	<hr/>	
Total		7,875,220.00

For salaries, other expenses and equipment purchases for the fiscal year ending September 30, 1971, only, conditional upon the payment of the conditional transfer from the General Fund to the Revenue Department	1,000,000.00
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The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by Local Acts of the Legislature as a charge for the collection of taxes or licenses.

(44) STATE BOARD OF REGISTRATION FOR SANITARIANS:

For salaries	700.00	
For other expenses	1,200.00	
	<hr/>	
Total		1,900.00

The above appropriation shall be paid from the receipts collected under the provisions of Act No. 209, Second Special Session, 1964.

(45) TEMPERANCE EDUCATION:

For salaries	34,500.00	
For other expenses	12,000.00	
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Total		46,500.00

The appropriation hereinabove made shall be paid from the funds transferred from the Alcoholic Beverage Control Board to the Education Department.

(46) ALABAMA THERAPIST BOARD:

For other expenses	2,000.00
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The above appropriation shall be paid from receipts paid into the Alabama Therapist Board Fund.

(47) UNIVERSITY OF ALABAMA — MEDICAL CENTER:

For constructing, operating and maintaining a school or college of Optometry	23,000.00
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The above appropriation shall be paid from the funds in the State Treasury to the credit of the Optometry Trust Fund.

(48) STATE BOARD OF VETERINARY MEDICAL EXAMINERS:

For salaries	100.00	
For other expenses	5,650.00	
Total		5,750.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission, or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, the amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as 'estimated', and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the

State to receive, collect or disburse any fees, tuition, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are re-appropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 8. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That this Act shall become effective on October 1, 1969.

Approved September 12, 1969.

Time: 8:00 P.M.

Act No. 996

H. 780—Mathews, Fite

AN ACT

To provide for a Dockets Clerk of the Court of Criminal Appeals of Alabama, to provide for the duties of said Dockets Clerk, to fix the compensation, and to make an appropriation for carrying out the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of Dockets Clerk of the Court of Criminal Appeals of Alabama is created, such clerk to be appointed by the judges of the court of criminal appeals and removable at any time the said judges of the court of criminal appeals may see fit.

Section 2. The duties of such dockets clerk shall be to keep in regular order the dockets of the clerk's office of the

court, to enter from day to day the judgments and proceedings of the court, and to perform such duties as may be required by the judges of the court.

Section 3. The dockets clerk of the court of criminal appeals shall serve as confidential assistant to the court and shall be subject to the Merit System Act only as to the pay plan.

Section 4. There is hereby appropriated the sum of Seven Thousand, Nine Hundred Forty-four Dollars (\$7,944.00) for each of the next two fiscal years for carrying out the provisions of this act.

Section 5. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 13, 1969.

Time: 4:00 P.M.

Act No. 997

S. 846—Radney

AN ACT

To make a conditional appropriation from the state treasury for the construction, equipment and furnishing of a substation in Tallapoosa County for the Department of Public Safety.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated to the use of the Department of Public Safety for the construction, equipment and furnishing of a substation of the Department of Public Safety in Tallapoosa County. The appropriation made herein is conditional upon the condition of the treasury, as ascertained by the Governor, and shall be released only upon orders of the Governor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 8:41 P.M.

Act No. 998

S. 287—Goodwyn

AN ACT

To make a supplemental appropriation to the Commission on Physical Fitness.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made there is hereby appropriated out of funds in the State Treasury not otherwise appropriated the sum of twenty-five hundred dollars (\$2,500.00) to the State Commission on Physical Fitness.

Section 2. This Act shall become effective immediately upon its passage and approval of the Governor or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 9:00 P.M.

Act No. 999 H. 288—Downing, Hobbie, Grayson, Watkins
AN ACT

To create a retirement system for peace officers as defined herein; to create the Board of Commissioners of the Alabama Peace Officers' Annuity and Benefit Fund and to establish the said Fund; to provide for the method of selection of the members of the said Board and their successors, and to fix their compensation; to provide for the organization and operation of the said Board and the employment of an executive director; to fix the maximum salary of such executive director, and to define his powers; to provide for the disposition of monies received by the said Fund, for the depositories therefor, and the investment thereof; to specify the powers of the said Board, and to require the maintenance of books and records; to define those eligible for benefits from the said Fund and the conditions precedent to and terms of service required for receipt of such benefits; to fix a monthly fee for each member of the said Fund and to provide for conditions of membership in the said Fund; to impose additional costs in all crimina and quasi criminal proceedings for the violation of laws of the state or municipal ordinances; to provide for the payment of such costs to the said Fund; to specify retirement, disability and death benefits for members of the said Fund and to establish the conditions precedent to the receipt of such benefits; to require that the Fund be operated on an actuarially-sound basis and that actuarial reports be regularly rendered; to provide for an adjustment of benefits in response to any such report; to provide for refunds of contributions by members; to provide for the military service and change of employment by members of the said Fund; to require semi-annual reports and annual audits of the Fund; to make all rights, annuities and benefits subject to future change by the legislature; to restrict the assignability of rights hereunder; to provide that the rights granted hereunder are cumulative to all other rights; to provide for the partial invalidity of any provision hereof, to make an appropriation for payment of the expenses of the said Board; and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words and phrases, wherever used in this Act, shall have the following respective

meanings, unless the context clearly indicates a different meaning:

"Association" means the Alabama Peace Officers' Association as now or hereafter constituted.

"Board" means the Board of Commissioners of the Fund, and any successor thereto.

"Executive Director" means the executive director of the Board.

"Fund" means the Alabama Peace Officers' Annuity and Benefit Fund created herein.

"Member" means any Peace Officer who is a member of the Fund and who is in good standing by virtue of having paid all sums herein required to be paid by him at the applicable times herein referred to.

"Membership Service" means the period of continuous employment of a Member as a Peace Officer from the date he becomes a Member to the applicable time herein referred to.

"Month" means a period of thirty days.

"Order" means the Fraternal Order of Police.

"Peace Officer" means any person employed by the State, any political subdivision thereof, or any municipal corporation therein, who is required by the terms of his employment, whether such employment exists by virtue of election or appointment, to give his full time to the preservation of public order and the protection of life or property, or the detection of crime in the State, but shall not include any pardon, parole or probation officer, enforcement officer for conservation laws, district attorney, assistant district attorney, assistant attorney general, commissioners, deputy commissioner, or any municipal inspector.

"Prior Service" means the period of continuous employment of a Member as a Peace Officer from the time of his initial employment as such Peace Officer to the date he becomes a Member.

"Qualified Service" means the Prior Service and Membership Service of a Member.

"State" means the State of Alabama.

Section 2. Creation of the Board. There is hereby created a board to be known as the Board of Commissioners of the Alabama Peace Officers' Annuity and Benefit Fund. The Board shall consist of three persons, one appointed by the governor

of the State for a period of six years and one elected by the members of the Association to serve for a period of four years and one elected by the members of the Order to serve for a period of four years; provided that the first person elected by the Association shall serve for a period of two years. Thereafter each member of the Board elected by the Association shall serve for a period of four years. Any member of the Board shall be eligible to succeed himself. The term of each person appointed or elected to the Board shall begin on the date of his appointment or election and any person so appointed or elected whose successor shall not have been appointed or elected shall continue to serve until the appointment or election of such successor. Any member of the Board elected by the Association or the Order who shall cease to be a member of the Association or Order, as the case may be, during his incumbency shall be replaced as a member of the Board by a member of the Association or Order, as the case may be, who shall be appointed by its executive committee for the then unexpired term.

Section 3. Compensation of Board Members. Each member of the Board shall be paid at the rate of \$10 per day for each day's attendance at meetings of the Board, not to exceed 12 such meetings in any single calendar year, and each shall be paid for his reasonable out of pocket expenses and disbursements in attending such meetings, but in no event shall said amount exceed \$30 per day.

Section 4. Organization and Operation of the Board. Any two members of the Board shall constitute a quorum sufficient for the transaction of any business and no business shall be transacted by the Board and no action taken unless a quorum be present. The members of the Board shall elect a chairman of the Board and select an Executive Director, who shall be the chief executive officer of the Board. The Chairman of the Board shall be a member of the Board but the Executive Director need not be such a member. The Executive Director shall serve as such at the pleasure of the Board, which may employ such other agents and employees as the Board may deem necessary. Any such employees shall be subject to the Alabama Merit System Act. The Executive Director shall be compensated for his services as such in an amount to be fixed by the Board but not to exceed \$7,500 annually. The Executive Director shall have such powers and authority as shall be delegated to him by the Board and shall perform such services as the Board may direct. Any member of the Board and any employee thereof who handles funds of the Board shall be bonded by a surety company qualified to do business in the State in amounts sufficient to protect the Board against any loss which may be

incurred with respect to the funds so handled. Anything in this Act to the contrary notwithstanding, the Board shall not authorize or incur expenses in any period exceeding the appropriation out of the Fund made to the Board by the legislature of the State for such period.

Section 5. Creation of the Fund. A special fund is hereby established and placed under the management of the Board for the purpose of providing retirement allowances and other benefits under the provisions of this Act for Members of the Fund. The Fund shall be known as the Alabama Peace Officers' Annuity and Benefit Fund, by and in which name all of its business shall be transacted, all of its funds invested, and all of its cash and securities and other property held in trust for the purposes for which received. All amounts received by the Board pursuant to the provisions hereof shall be paid into the Fund. The Board shall have such control of the Fund as shall not be inconsistent with the provisions of this Act and with the laws of the State. All moneys of the Board shall either be (a) covered into the State Treasury or (b) deposited in a special trust account or accounts in any bank or banks in the State, each of which shall have a combined capital and surplus of not less than \$2,000,000, and may be withdrawn therefrom by vouchers or checks signed by the Executive Director pursuant to authorization given by the Board. All investments of moneys in the Fund shall be either (i) deposited with the State Treasurer for safekeeping upon receipt of the State Treasurer therefor, or (ii) deposited with any such bank in a custodial account. The Board shall have authority to expend moneys in the Fund in accordance with the provisions of this Act and to invest any moneys so received pending other need therefore in any investments which are legal investments for insurance companies under the laws of the State. No member of the Board shall have any interest in any such investment or receive any commission with respect thereto.

Section 6. Powers of the Board. The Board shall have the following powers in carrying out its responsibilities under this Act: to collect all moneys provided in this Act to be collected by it; to pay all of its administrative expenses, within the limitations herein contained; to cause its moneys to be invested and its investments sold or exchanged and the proceeds and income collected; to determine who is a Peace Officer; to pass upon all applications for annuities and benefits provided for in this Act; to adopt such rules and regulations as may be necessary or desirable to expedite the administration of the affairs of the Board and as shall not be inconsistent with the laws of the State; to provide descriptive literature respecting the Fund; to pay all

benefits and annuities that may be determined to be due under this Act and under the rules and regulations of the Board; to make refunds and repayments to which Members may be entitled hereunder; to employ such agents, attorneys, actuaries, and other specialized personnel as shall be necessary or desirable to enable the Board to carry on its functions in a proper and actuarially sound manner; to receive by gift, grant, devise, or bequest any moneys or properties of any nature or description; to carry out any powers expressly granted elsewhere in this Act to the Board; and all other powers necessary for the proper administration of the provisions of this Act.

Section 7. Books and Accounts. It shall be the duty of the Board to keep permanent records of its membership, receipts, disbursements, investments and all of its other affairs hereunder. Such records of the Members shall show with respect to each Member, his name, age, date of beginning of Prior Service, date of beginning of Membership Service, the amount of all payments made by him to the Fund, the date of any incapacity and the nature thereof and reason therefor, the amount of all annuities or benefits, if any, paid to him hereunder, and such other information with respect to each Member as shall be deemed necessary by the Board for the proper determination of eligibility for annuities and benefits hereunder and the amount of potential liability of the Fund for the same. All records, papers, documents and other data of the Board shall be carefully preserved in a safe, secure and permanent manner.

Section 8. Eligibility of Members of the Fund; Monthly Charge. Any Peace Officer serving as such on the effective date of this Act shall be eligible to become a Member. Nothing herein shall be construed as requiring that any Member of the Fund become a member of the Association or the Order, or that any member of the Association or the Order become a Member of the Fund. Each Peace Officer who becomes a Member shall pay to the Fund a regular fee of Ten Dollars (\$10.00) per calendar month, to be paid on or before the tenth calendar day of each month so long as he is a Member until he becomes entitled to benefits hereunder. At the time of initial application, the Member shall pay an amount equal to Ten Dollars (\$10.00) multiplied by the number of Months intervening between the effective date of this Act and the time at which application is made or, if such person was not a Peace Officer on the effective date of this Act, the amount to be paid at the time of application shall be Ten Dollars (\$10.00) multiplied by the number of Months intervening between the date of employment of such person as a Peace Officer and the date of his said application. The Board shall furnish to any Peace Officer requesting the

same an application blank for membership in the Fund. After making the payment required at the time of initial application, payments shall be made each Month thereafter in the amount herein specified. If any Member shall not pay the monthly fee for sixty (60) days after its due date, the Board shall give him notice of the termination of his membership in the Fund and of his right to a refund, and unless he makes application for a refund pursuant to Section 14 hereof within sixty (60) days after the mailing of such notice, all amounts theretofore paid by him to the Fund shall be forfeited. Any Member so terminated who later applies for membership in the Fund shall lose credit for all of his Membership Service up to the time of such termination.

Section 9. Additional Court Costs Imposed; Disposition Thereof. In all criminal and quasi-criminal proceedings for the violation of laws of the State or municipal ordinances, except violations of State Conservation laws or regulations, which are tried in any court or tribunal in the State, wherein the defendant is adjudged guilty or pleads guilty or wherein a bond is forfeited and the result of the forfeiture is a final disposition of the case or wherein any penalty is imposed, there is hereby imposed an additional cost of court in the amount of One Dollar (\$1.00) for each moving traffic violation, Five Dollars (\$5.00) in each such proceeding where the offense constitutes a misdemeanor and Ten Dollars (\$10.00) in each such proceeding where the offense constitutes a felony; Provided, however, that there shall be no additional cost imposed for violations relating to parking of vehicles. The amount of all such costs shall be remitted by the person or authority collecting the same to the Executive Director on the tenth day of each month next succeeding that in which the cost is paid. It shall be the duty of the clerk or other authority collecting the said court costs to keep accurate records of the amounts due to the Board for the benefit of the Fund hereunder.

Section 10. Retirement Benefits. Any Member who has at least thirty-six (36) Months of Membership Service shall, upon proper application and proof being presented to the Board on forms to be provided by the Board for such purpose and upon approval of such application by the Board, be entitled to an annuity or benefit in one of the following amounts:

(a) The sum of \$75 per calendar month if the Member has 300 Months of Qualified Service and is at least 55 years of age;

(b) The sum of \$100 per calendar month if the Member has 360 Months of Qualified Service and is at least 55 years of age; and

(c) The sum of \$40 per calendar month if the Member has 180 Months of Qualified Service and is at least 65 years of age.

No Member shall be entitled to an annuity or benefit under this section unless at the time of his application for the same or within three months prior to such time he was employed as a Peace Officer and at the time of his said application his duties as a Peace Officer have been terminated, provided, that the appropriate benefits shall be payable to any Member upon his attaining the age of 55, if such Member retired from active duty as a Peace Officer with at least 300 Months of Qualified Service and 36 Months of Membership Service. There shall accompany any application made pursuant to this section evidence satisfactory to the Board of the date of birth of the Member. If any Member shall be receiving retirement benefits hereunder and shall thereafter reenter employment as a Peace Officer, then the payment of retirement benefits hereunder shall be stopped so long as he is so employed, but shall resume upon termination of his employment as a Peace Officer if during such period of reemployment he made all required monthly payments to the Fund. Any employment as a Peace Officer after such initial retirement and during which such payments are made to the Fund shall be included in the computation of Membership Service for the purpose of determining further rights and benefits hereunder.

Anything in this Section to the contrary notwithstanding, if any person eligible to become a Member becomes a Member within three Months after the effective date of this Act and makes all payment herein required to be made by a Member for a period of 36 Months thereafter, and if such person has at least 25 years of Qualified Service prior to the time he applies for benefits under this Section, then such Member shall be entitled to retirement benefits under whichever of clauses (a), (b) or (c) of this Section shall be appropriate, whether or not such Member at the time of such application has 36 Months of Membership Service and whether or not he is at the time, or within three Months prior to such time, employed as a Peace Officer.

Section 11. Disability Payments. Any Member (a) who has twelve (12) Months of Membership Service, (b) who becomes totally or permanently disabled as a result of a heart attack or any injury received in the line of duty as a Peace Officer and not as a result of his misconduct, and (c) who makes proper application to the Board on a form to be supplied by the Board and submits evidence satisfactory to the Board of such total or permanent disability and the circumstances giving rise to

its occurrence, shall be entitled to be paid benefits as follows so long as such disability continues:

(a) \$36 per calendar month of his Qualified Service is at least 12 Months and not more than 23 Months;

(b) \$72 per calendar month if his Qualified Service is at least 24 Months and not more than 35 Months;

(c) \$108 per calendar month if his Qualified Service is at least 36 Months and not more than 47 Months;

(d) \$144 per calendar month if his Qualified Service is at least 48 Months and not more than 59 Months, and

(e) \$180 per calendar month if his Qualified Service is 60 Months or more.

Any benefit paid under this section shall be paid for a period of not longer than twenty-four (24) calendar months. Any Member disabled as herein defined for a period of more than twenty-four (24) calendar months shall be eligible for retirement benefits hereunder if he otherwise meets the requirements of Section 10 hereof. The Board shall have the right to require that any applicant for benefits under this section be examined by one or more physicians on behalf of the Board and at its expense. Failure of any such applicant to subject himself to such examination shall be sufficient grounds for the Board to deny payment of benefits under this section.

Section 12. Death Benefits. Each Member shall be issued a certificate by the Board in which the Board shall agree to pay to a beneficiary to be designated by such Member, upon his death, a stipulated amount based upon the number of Months of Membership Service and to be conditioned upon the satisfaction of all obligations of the Member to the Fund, as follows: (a) for less than 36 Months of Membership Service, the sum of \$500, (b) for Membership Service of 36 Months through 47 Months, the sum of \$600; (c) for Membership Service of 48 Months through 59 Months, the sum of \$800, (d) and for Membership Service of 60 Months or more, the sum of \$1,000. If any Member is killed in the line of duty, there shall be paid to the widow of such Member, or he has no widow, in equal shares to his minor children, if any, in monthly installments of \$100, the total amount of membership fees paid by such Member hereunder, until the total amount of such membership fees so paid shall have been refunded. Such repayment of membership fees shall be in addition to the death benefit hereinabove provided.

Section 13. Actuarial Study Required. No annuity or benefit shall be paid under this Act unless and until the Board

shall have appointed and employed an actuary to make an actuarial evaluation of the receipts and income accruing to the Fund, and the potential liabilities of the Fund based on the age, disability status, and other material factors respecting the Members, as such facts and figures exist on the date two years after the effective date of this Act. The actuary shall consider the expected mortality, disability and retirement status of the Members, and the Qualified Service and Membership Service of Members and shall determine what percentage of the proposed payments, annuities and benefits set forth in this Act may be paid if the Fund is to be kept on an actuarially sound basis and in an actuarially solvent condition. Upon receipt of the report of the actuary, the Executive Director shall present it to a meeting of the Board, which shall have the power and shall be required to make such prorations of annuities and benefits as are recommended by the said actuary. Nothing contained in this section and in this Act shall be construed as granting to the Board the power to require higher contributions to the Fund by any Member or to increase the amount of court costs imposed in Section 9 hereof. Any adjustment shall be only by the pro rata reduction of annuities and benefits to be paid hereunder. Such an actuarial study shall be made every three years after the first such study and in the event any such study shall show that moneys are then available to pay all annuities and benefits specified herein or to pay amounts in excess of those indicated by any previous report and established by the Board, the Board shall make such upward adjustments, but not beyond the annuities and benefits specified herein. If any such report should show that further downward adjustments are required, then such adjustments shall be made by the Board as shall be necessary to carry out the recommendations of the actuary so employed. Any increase or reduction in benefits resulting from any such actuarial study or from any subsequent amendment of this Act shall be applicable to all persons then receiving such benefits, even though such persons had theretofore received benefits at a different rate. In no event shall the Board, the Fund, the Association, the Order, or any member, officer, director, or employee of any thereof, or the State, or any subdivision thereof or any municipality therein, be liable to any Member or any beneficiary or any representative of any Member or any beneficiary of the Fund for any deficiency in payments made pursuant to this Act and pursuant to any pro rata reduction of annuities or benefits.

Section 14. Refunds. Any Member shall be entitled at any time to withdraw from the Fund and, upon application for such withdrawal on forms to be supplied by the Board and approved by it, shall be entitled to receive in cash ninety per

cent (90%) of all amounts theretofore paid to the Fund by such Member, after deducting from the total amount so paid by the Member all annuities and benefits theretofore paid to such Member. No refund shall be paid until six months after the application therefor. Any Member who withdraws and receives such refund shall not thereafter have any rights with respect to the Fund and may not thereafter be entitled to become a Member except as a new Member. Any Membership Service of such Member at the time of his withdrawal may not be credited on any later Qualified Service in the determination of annuities and benefits, should such Member thereafter reapply for membership in the Fund. The provisions of this section shall be applied to any person who ceases to be a Peace Officer. Any Member who ceases to be a Peace Officer may elect not to receive any such refund for a period of not more than 36 Months. If within the said 36 Months' period the said person shall again become a Peace Officer, he may be reinstated as a Member without loss of his accumulated Qualified Service prior to the time of his initial withdrawal upon payment of all sums which he would have paid had he been a Member during the period of his withdrawal.

Section 15. Military Service. Any Member who is drafted into any branch of the armed forces of the United States of America shall not be required to remit any payments to the Fund during his period in the armed forces, but no such period shall be credited as Membership Service. Any Member who is drafted into the armed forces of the United States and who elects to make the monthly payments herein required of Members shall have his service as a member of the armed forces counted as Qualified Service, up to a total of sixty Months, provided that within three Months after discharge from the armed forces, the said Member reenters employment as a Peace Officer and pays to the Fund all amounts which he would have paid had he not been a member of the armed forces. Any person heretofore serving as a Peace Officer who (a) at the time of adoption of this Act is serving in the armed forces of the United States, and (b) shall hereafter return to service as a Peace Officer under circumstances which would entitle him to reinstatement as a Member if this Act had been in effect when he entered the armed forces and he had been a Member at the time of such entry, and (c) pays all amounts which any person returning from the armed forces would be required to pay to obtain such reinstatement, may make such payments and receive all benefits as if he entered the armed forces subsequent to the effective date of this Act and were thereafter discharged, and shall be entitled to count as Membership Service his service in the armed forces since the effective date of this Act. Any Member

who enlists in the armed forces of the United States, except during a time of war declared by the Congress of the United States, shall not be entitled to the benefits of this Section 15 but shall be entitled to the benefits of Section 14 hereof.

Section 16. Change in Employment. If any Peace Officer shall have changed or shall change from one employer to another without changing his status as a Peace Officer, whether during his period of Prior Service or during his period of Membership Service, such change in employment shall have no effect on the computation of the period of his Qualified Service, so long as one employment as Peace Officer immediately follows the other with no employment in any other capacity intervening.

Section 17. Reports and Annual Audits. The Executive Director shall make semiannual reports to the Board showing the total amount of money on hand at the time of such report, all investments then held by the Board, and itemizing by classifications all receipts and disbursements since the last such semi-annual report. The Examiner of Public Accounts of the State is hereby authorized and directed to make an annual audit of the acts and affairs of the Board for each fiscal year of the Board and to make a complete report of the same for the Legislature of Alabama. The said audit shall cover all monies received by the Board and all expenditures made by the Board during the period covered by the audit.

Section 18. Limitation on Rights. All rights, annuities and benefits provided herein shall be subject to future change by the Legislature of the State, and subject to future changes or revisions as herein provided, and no Member or beneficiary herein provided for or hereafter existing shall be deemed to have any vested right in the Fund or to any annuity or benefit provided herein.

Section 19. Rights Not Assignable. None of the moneys herein referred to or any benefit or annuity payable hereunder shall be subject to attachment, garnishment or judgment rendered against any Member or any beneficiary entitled to receive the same nor shall any such be assignable. All payments of such annuities and benefits shall be paid directly to the Member or to the beneficiary herein provided for.

Section 20. Provisions Cumulative. The annuities and benefits herein provided for shall not repeal or be considered to be in substitution for any other annuity or benefit provided for by law or any other retirement system, whether municipal, county, State or federal. Participation by a Peace Officer in any other such program, plan, fund or system shall not bar participation by such Peace Officer in the Fund.

Section 21. Partial Invalidity. If any clause, sentence, paragraph or section of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, unconstitutional or otherwise unlawful, such judgment shall not affect, impair or invalidate any other portion of this Act, but shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall be granted.

Section 22. Appropriation. There is hereby appropriated from the Fund the sum of \$1,000 for payment of the expenses of the Board until September 30, 1969.

Section 23. Effective Date of Act. This Act shall take effect upon its passage by the Legislature and approval of the Governor, or upon its otherwise becoming a law.

Approved September 12, 1969.

Time: 8:20 P.M.

Act No. 1000

S. 799—Carr

AN ACT

Relating to counties having populations not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; to increase the compensation of the judge of the County Court in such counties; to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census, the judge of the County Court shall be entitled to a salary of twelve thousand dollars (\$12,000) per annum, payable from the general funds of the county in equal monthly installments.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect upon the expiration of the term of the incumbent judge of the County Court in such counties.

Approved September 12, 1969.

Time: 8:01 P.M.

Act No. 1001

S. 802—Carr

AN ACT

To provide for an election to be held to allow the electorate of Marshall County to vote on whether or not said county shall transfer certain county functions in relation to the construction, repair and maintenance of public roads and bridges to the state highway department; and providing for the reorganization of the Marshall County Commission on Government and Finance as it now exists; abolishing same and establishing in lieu thereof the Marshall County Commission; and providing that this act shall become operative only if approved at the referendum held as herein provided.

Be It Enacted by the Legislature of Alabama:

Section 1. The state highway department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Marshall County.

Section 2. The county governing body of Marshall County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

a) to levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the state;

b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the state highway department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the state;

c) To determine, subject to the approval of the state highway department, the location of new roads and bridges within the county which may be established as an addition to the presently existing county road system of Marshall County;

d) To exercise, subject to the approval of the state highway department, the right of eminent domain for the purpose of acquiring right of way for establishing and changing county roads and bridges in the manner presently provided by law.

Section 3. The governing body of Marshall County shall have no authority:

a) To employ or discharge or regulate or control in any manner personnel for the construction, maintenance or repair of county roads and bridges;

b) To contract for or purchase any services, supplies, equipment, machinery or materials used in the construction, maintenance or repair of county roads or bridges;

c) To pay or order payment to any person, firm or corporation for services rendered or supplies, equipment, machinery or materials provided in the construction, maintenance or repair of county roads or bridges.

Section 4. Upon the effective date of this Act the governing body of Marshall County and all officials of the county shall transfer and turn over to the state highway department all funds, supplies, equipment, machinery and materials held, owned, leased or controlled by it or them for the construction, maintenance and repair of county roads and bridges. Thereafter, on or before the tenth day of each month, the county treasurer, the county governing body and all other county officials of Marshall County shall pay over to the state highway department all funds collected or received as taxes, including the motor vehicle license tax allocated to the county, or otherwise by them from any source whatsoever during the preceding month which are designated or to be used for the purpose of constructing, maintaining or repairing county roads and bridges. Such funds shall be maintained separately by the state highway department and shall be used by it solely for the purpose of construction, maintenance and repair of county roads and bridges in Marshall County subject to the provisions of this Act.

Section 5. All persons employed by Marshall County in the construction, maintenance and repair of county roads and bridges as of the effective date of this Act, whose compensation is paid entirely by the county, shall continue to be employed by the state highway department in the county and be brought under and be covered by the state merit system law without examination at no less than their salary on that date, and they shall not be discharged nor their salary decreased or increased except in accordance with the regulations of the state merit system law. All other persons employed by the highway department in connection with the administration of this Act shall be subject to the state merit system law, provided, however, that the resident engineer shall reside and have his office, headquarters, shop, barn, warehouse, or base of operations in the county seat of Marshall County.

Section 6. After the effective date of this Act, the state highway department shall pay all of the outstanding financial obligations of Marshall County which were incurred prior to the adoption of this Act, for the construction, maintenance or repair of county roads and bridges out of the funds to be paid over to the highway department under the provisions of Section 4 of this Act. Nothing contained in this Act, however, shall be construed to relieve Marshall County of the liability for paying any of its financial obligations now existing or hereafter incurred

under the provisions of Section 2 (b) hereof in the event the funds paid over to the state highway department are insufficient to do so, or to require any of the financial obligations presently existing or hereafter incurred under the provisions of Section 2 (b) hereof of the county to be paid from funds of the highway department.

Section 7. The state highway department shall construct, maintain and repair the county roads and bridges of Marshall County from the funds paid over to it pursuant to Section 4 of this Act, and from funds which would otherwise accrue to Marshall County for road and bridge work from any source whatsoever. The state highway department shall retain, and the appropriate state official is authorized to pay over to it any funds or amounts to which Marshall County shall be entitled from the proceeds of the state gasoline tax, the motor vehicle license tax allocated to the county, or any other state tax, and such sums and amounts shall be used in addition to the sums and amounts turned over to the state highway department under the provisions of Section 4 of this Act for the construction, maintenance and repair of county roads and bridges in said county. The gasoline tax money, and the proceeds of any other tax to which Marshall County is entitled, received by the state highway department for road work in Marshall County, shall be kept in the separate account referred to in Section 4 of this Act.

Section 8. At the time the governing body of the county transfers to the highway department county-owned road equipment, machinery and supplies, under the provisions of this Act, an inventory thereof shall be made, a copy to be kept on file by the county and by the department, and in the event this Act is repealed or becomes inoperative, the department shall return to the county, road equipment, machinery, and supplies of the kind and equal value.

Section 9. The commission on government and finance of Marshall County created by Act No. 294, H. 802, Regular Session 1963, (Acts 1963, p. 755) is abolished, and in lieu thereof there is hereby restored and re-established in Marshall County a court of record styled the county commission of Marshall County, which shall be composed of the chairman, and four commissioners who shall be elected as hereinafter provided. The chairman and the commissioners shall be elected at the general election in 1970 and shall hold office for terms of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors are elected and qualified.

Section 10. One county commissioner shall be elected by the voters of the county from each of the four districts into which the county is now divided by law for the purpose of electing members of the county governing body of Marshall County. The chairman may reside in any one of the four districts. A candidate for county commissioner must be a qualified elector and legal resident of the district he seeks to represent and shall continue to reside therein during this continuance in office. A candidate for chairman of the county commission must be a qualified elector and legal resident of Marshall County.

Section 11. The chairman and present four associate members of the commission on government and finance of Marshall County shall serve as county commissioners of the county commission of Marshall County until their successors are elected and qualified as herein provided.

Section 12. Each member of the county commission shall receive thirty dollars for each meeting of such governing body which he attends, not to exceed one hundred twenty dollars per month, and actual expenses for any necessary travel within the State of Alabama on official county business. Such compensation shall be in lieu of all salaries, allowances and motor vehicles heretofore provided by law for such members. The chairman shall be entitled to and receive eight thousand dollars per annum payable monthly, as compensation for his duties as chairman of such governing body. He shall employ an assistant or accountant and shall keep a complete record of all receipts and disbursements of county funds, and must be prepared at all times to show the exact financial condition of the county. Compensation of such assistant or accountant shall be paid from the allowance heretofore provided the Marshall County commission on government and finance for the purposes of hiring clerks and other assistants.

Section 13. Except as otherwise provided in this Act, the county commission of Marshall County shall have all the jurisdiction and powers which are, or which hereafter may be, vested in courts of county commissioners, boards of revenue, or like county governing bodies by the general laws of this State, or vested in the governing body of Marshall County by local law; and the members of the county commission shall perform all the duties and services and exercise all the powers which are, or which hereafter may be, provided by the general laws of this state for members of courts of county commissioners, county commissions, boards of revenue, or like county governing bodies, or for the members of the governing body of Marshall County by local law.

Section 14. All laws or parts of laws in conflict with the Act are hereby repealed.

Section 15. The provisions of this Act are hereby declared to be severable in nature and shall any Section or other portion thereof be declared unconstitutional, or invalid, such adjudication shall not affect the portion, or portions, of said Act remaining.

Section 16. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Marshall County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be, in the same way as elections on amendments to the Constitution and shall be held on the same day as the next general election following final passage of this Act. Notice of the election shall be given by the judge of probate of Marshall County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated as follows:

"Do you favor the local law authorizing the state highway department to assume responsibility for the construction, maintenance and repair of county roads and bridges and the recreating of a commission form of government in lieu of the commission as presently constituted? Yes () No ()."

If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the Act shall have no further effect. The judge of probate of Marshall County shall certify the results of the election to the secretary of state and to the state highway director immediately after the returns have been certified.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved September 12, 1969.

Time: 8:01 P.M.